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In The

United States Court of Appeals

FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,
Appellee,

against

ALGER HISS,
Appellant.

TRANSCRIPT OF RECORD

Volume II

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

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v.2
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Q. And they are defendant's exhibits, are they?

A. I believe they are.

Q. Mr. Cross showed them to you? A. Yes.

[742] Q. Now these exhibits that I showed you this morning, the typewritten exhibits, did you ever receive those from Mr. Wadleigh in any shape or form? A. I never received any of those from Mr. Wadleigh.

Q. Did you ever receive the original from which the photographs were made, those photographs on the two strips of developed microfilm, did you ever receive those from Mr. Wadleigh? A. I did not.

Q. Did you ever receive the handwritten notes, Government's Exhibits Baltimore 1 to 4 from Mr. Wadleigh?

A. I did not.

Q. Did you know that Mr. Wadleigh left for Turkey on March 8, 1938? A. I knew at the time the date. I have since forgotten the date.

Q. What would be your best estimate as the last time that you received any papers from Mr. Wadleigh in relation to that date, when he left for Turkey on March 8th?

A. I believe some time in February was probably the last time Mr. Wadleigh gave us documents.

Q. Did you ever have discussions with Mr. Wadleigh as to whether the documents were worthwhile or not?

A. I believe on one or two occasions I discussed the subject of his material with him.

Q. What did you tell him?

A. I would have told him—

[743] MR. CROSS: I don't know if this is a memory, but when he says "I would have told him," I don't think he ought to reconstruct. If it is a memory, I don't object.

THE COURT: You have to give your best recollection.

THE WITNESS: Very well. May I amplify that answer a little bit and try to make it clear?

Q. You are entitled to explain yourself.

A. Julian Wadleigh was considered to be the least

useful among the sources in that apparatus. The material he gave us was not of a—

MR. CROSS: Now, if your Honor please, the question was whether he had any talks with Mr. Wadleigh. That I don't object to, but that is not answering the question.

THE COURT: It is not responsive.

THE WITNESS: I will try to make it more so, your Honor.

[744] Q. Would you explain what Mr. Wadleigh's position was in the apparatus that you have described? A. Mr. Wadleigh was a source but his material was not considered very useful.

Q. Do you know what relative position he had in the Trade Agreement Section of the Department of State?

A. I do not. My understanding was that it was not a very high position.

Q. Do you know whether or not he was the Chief of the Trade Agreement Section? A. I am sure he was not.

Q. Or the Assistant Chief? A. No, I don't think he was.

Q. But, in any event, the exhibits that have been offered here which you say you received from Mr. Hiss you never received from Mr. Wadleigh? A. The exhibits which we have seen here were given me by Alger Hiss and not by Julian Wadleigh.

Q. Were you ever in Mr. Wadleigh's home? A. I never was in Mr. Wadleigh's home.

Q. Did you ever meet his wife? A. I have a vague recollection that I once met his wife, but I am not quite sure of it.

Q. Was he ever in your home? A. He was never in my home.

Q. Did he ever meet your wife? A. He never met my wife.

Q. Did you ever borrow a car from him? A. I never borrowed a car from Julian Wadleigh.

Q. Did you ever use his apartment for free? A. No, [745] I never used his apartment for anything.

Q. Did you ever translate anything for Mr. Wadleigh?

A. I never translated anything for Mr. Wadleigh.

Q. Did you ever exchange gifts with him? A. I recall no exchange of gifts.

Q. Did you ever give him a rug? A. Yes, I did.

Q. Gave him a rug? A. That is right.

Q. Was that part of the rugs that you bought from Mr. Schapiro? A. That is right.

MR. CROSS: If your Honor please—just a moment, I move that that be stricken out.

THE COURT: What part, Mr. Cross?

MR. CROSS: These dealings with Wadleigh about gifts of rugs, and so on. I think it is going a little far afield. The matter of getting documents is one thing, but the dealings with Mr. Wadleigh it seems to me is going pretty far afield.

THE COURT: I suppose the question is asked for the reason of showing relationship or lack of close relationship.

MR. MURPHY: Exactly, your Honor, the lack of close relationship.

MR. CROSS: Then I will withdraw the objection if that is the only purpose.

Q. You did give him a rug? A. That is right.

[746] Q. And was that one of the four rugs that Professor Schapiro purchased? A. That is right.

MR. MURPHY: You may examine.

Recross Examination by Mr. Cross:

Q. Mr. Chambers, when you testified before the House Committee you took an oath, didn't you? A. That is right.

Q. And the oath, in substance, was that you would tell the truth, the whole truth and nothing but the truth, so help you God? A. That is right.

Q. And when you appeared before the grand jury that sat in this building that indicted Alger Hiss you took a similar oath, did you not? A. That is right.

Q. And when you were examined in your Baltimore deposition you took a similar oath? A. That is right.

Q. And when you appeared at the first trial you took substantially the same oath if not the identical oath that you took before you took the witness chair at this trial?

A. That is right.

Q. Now, on the occasion of testifying before the grand jury and testifying when you gave your Baltimore deposition, and when you testified at the first trial, you testified with the same solemnity of your oath that you described this morning when Mr. Murphy asked you with reference to certain exhibits that you testified to here this morning, did you not? A. I believe so.

[747] Q. Mr. Murphy's words were "before God, Judge Goddard and this jury"; and except for the presence of Judge Goddard and the jury you testified with the same solemnity before the grand jury, before the person who took your deposition and at the first trial? A. That is right.

Q. And upon all of those occasions without the slightest qualification you testified that Alger Hiss gave Baltimore Exhibit 10 to you, didn't you? A. That is right.

Q. As a matter of fact, in your direct testimony to Judge Goddard, or in the presence of Judge Goddard and this jury, you testified with the same solemnity that you gave this morning when you testified that Alger Hiss gave you Exhibit 10, didn't you? A. That is right.

Q. And then yesterday you testified with reference to it that you were not sure, is that right? A. That is substantially right.

Q. So that there may be no misunderstanding, at page 635:

"Q. Mr. Chambers, I show you Government Baltimore Exhibit 10. Where did you get that paper? A. I believe it was given to me by Mr. Hiss.

"Q. Is that as strong as you want to put it?

"A. It is.

"Q. Are you sure you got that from Mr. Hiss?

"A. I am not that sure.

[748] "Q. Is there a watermark in that paper?

"A. I believe there is, though I can't make it out.

"Q. Well, there is a sign of an eagle, isn't there?

"A. What is that?

"Q. There is the watermark, the Government watermark, the eagle, isn't there? A. Yes, I guess that is what is is."

Then you testified:

"Q. And your memory about it or your statement about it is less certain now than it was on February 17, 1949, is it not? A. Quite correct.

"Q. And you are not sure whether you got that paper from Alger Hiss? A. No, I am not."

Do you now want to change any of those answers?

A. No, I don't think so. I believe that Alger Hiss gave me that paper but I wish to give due allowance to the fact that it might have come from Harry Dexter White.

Q. And you say here to this question: "And you are not sure whether you got that paper from Alger Hiss? A. No, I am not."—

Do you want to change that answer? A. No, sir. I have already stated my view.

Q. I just want to make sure that you are not by what you may have said on redirect intending to change in any way that answer. A May I repeat, I believe Alger Hiss gave me [749] that paper.

Q. Now, I will ask the question again: "And you are not sure whether you got that paper from Alger Hiss? A. No, I am not." —Do you want to change that answer?

A. I don't think so, except as I have answered you before.

Q. Well, do you consider that a change or modification?

MR. MURPHY: I object, your Honor, to what the witness thinks.

MR. CROSS: I think his mental state is very material.

MR. MURPHY: Yes, but it is for the jury to determine.

MR. CROSS: I think I have a right to ask him whether he intentionally is changing that answer.

MR. MURPHY: I have no objection to having counsel ask that question.

A. I am trying to qualify the answer in the interest of precise truth.

Q. That is, today in answer to Mr. Murphy's redirect examination you are attempting to qualify that answer, is that correct? A. I don't believe that it is.

Q. Then you are not consciously qualifying in any way that answer? A. I find it very difficult to follow you. I have tried to tell you what I meant.

[750] Q. Well, are you conscious of changing in any way, qualifying or explaining or anything else, that answer?

A. I am conscious of trying to qualify it so that I may be quite right.

Q. That is, you think you were not right yesterday when you answered? A. No, I do not think so.

Q. Well, do you stick by that answer? A. I believe I do.

Q. Now, when you were examined in Baltimore with reference to Baltimore Exhibits 1 through 47, including Exhibit 10, did you in substance say that you always remembered who gave you those exhibits but you could not remember any conversation or any of the circumstances when they were given? A. That is right.

Q. And this morning you told about a conversation that you said took place between you and Alger Hiss when he gave you Exhibit 1, didn't you? A. That is right.

Q. And this morning was the first time you have ever mentioned that conversation, isn't it? A. In a public testimony I believe that it is.

Q. Well, it is the first time that you have ever mentioned it under oath, isn't it? A. That is right.

Q. And you have been asked repeatedly the circumstances of the delivery of that and all the other exhibits, haven't you? A. That is quite true, but memory does not always spring into action at a command.

[751] Q. Were you asked about it before the grand jury back in December 1948? Weren't you? A. I do not recall.

Q. Well, you were asked there about these exhibits, whether or not they were given to you by Alger Hiss?

A. I was certainly asked that.

Q. And you told them that he gave you Exhibit 10?

A. I did.

Q. And at that time you did not tell them anything about any conversation when he handed you Exhibit 1, did you?

A. I did not.

Q. And then you worked with the F.B.I. very shortly after the date of the indictment for some two or three months, five days a week, except for lunch time, did you not? A. That is right.

Q. And then you testified in Baltimore with reference to this matter in February and March of 1949? A. That is right, I believe.

Q. And then before the first trial which began on May 31, 1949, you worked with the F.B.I. for quite some time, didn't you? A. That is right.

Q. For how long a time? A. I worked with the F.B.I. during January, February and March of 1949.

Q. And after that? A. I saw them less frequently.

Q. Before the trial did you see them for a period of [752] weeks? A. No, I don't recall that I did, but I may be mistaken about that.

Q. In your Baltimore deposition I will ask you whether or not you were asked these questions and you gave these answers at page 838:

"Q. Did Mr. Hiss write Exhibit 1 in your presence?

"A. No, he did not.

"Q. Why did he give it to you when he gave it to you? What was said when he gave it to you? A. I would be quite unable to tell you the words he used when he gave it to me.

"Q. Have you any recollection of what was said?

"A. I would not be able to reconstruct what was said.

"Q. Do you have any recollection of the transaction that prevailed when Mr. Hiss handed you Exhibit 1?

"A. Yes, it was Mr. Hiss'—

"Q. Tell us what occurred at that time.

"A. It was Mr. Hiss' habit—

"Q. Now, Mr. Chambers, may I interrupt you? I don't want his habits. I want what occurred at the time he handed you Exhibit 1.

"A. I would not attempt to make any reconstruction of an event which took place so long ago.

"Q. Well, am I correct that you have no recollection of what occurred at that time? A. If by recollection you mean the precise conversation or the number of people who [753] were in the room, you will be correct.

"Q. I am asking you for the substance of the conversation, not the exact words. You understand that.

"A. Or even the substance of such a conversation at that time."

Were you asked those questions and did you give those answers in your Baltimore deposition?

A. I did.

Q. And in your testimony at the first trial you could not remember anything about any conversation, could you?

A. I don't recall whether we went into that or not.

Q. Well, you were specifically asked then, weren't you?

A. In the Baltimore pretrial examination I was asked.

THE COURT: I think we might take a recess now.

(Short recess)

THE COURT: All right, Mr. Cross.

BY MR. CROSS:

Q. Mr. Chambers, as I understand it, you say at about February of this year you saw Colonel Lamb in this building?

A. I believe it was February or March.

Q. February or March? A. Yes, the spring of this year.

Q. Now, your testimony that I read yesterday:

"Q. Do you know where Colonel Lamb is now?

"A. Colonel Lamb is dead, I believe.

"Q. When did he die? A. It seems to me I read [754] an obituary of him sometime in the 40s"—

That was given March 25, wasn't it, of this year?

A. In that case I saw Colonel Lamb a few days after that, I believe.

Q. Government's Exhibit 1 refers to Mary Martin and also refers to Rubens. Do you know Mary Martin?

A. No, I never knew Mary Martin.

Q. This was January 28, 1938? A. I believe so.

Q. At that time was there a great deal in the papers about the disappearance of Rubens in Moscow and some negotiation between the State Department and Moscow about the location of Rubens? A. I believe that there was.

Q. Did you see those articles, January 25, January 26 and January 27, about this matter? A. I probably did.

Q. And there was a great deal in the papers before and after this incident, wasn't there? A. I believe so.

(Mr. Cross hands papers to Mr. Murphy.)

MR. MURPHY: No objection.

MR. CROSS: I offer as one exhibit the photostatic copies of the page or part of a page of New York Times for January 25, January 26, January 27, 1938, and I suggest that they be marked Defendant's Exhibits EE, EE-1 and EE-2.

(Marked Defendant's Exhibits EE, EE-1 and EE-2.)

MR. CROSS: Ladies and gentlemen of the jury, at this time I won't read the articles other than to say [755] that Defendant's Exhibit EE has as headlines "Long Wait Foreseen In Mrs. Rubens' Case. American Officials In Moscow Unlikely To See Prisoner Until Inquiry Ends."

In Defendant's Exhibit EE-1 the headlines are "U.S. Press Right To See Mrs. Rubens. Hull Orders Moscow Embassy To Insist On An Interview With Woman in Prison. Cites Recognition Pact. State Department Rejects Any Interpretation That Would Add To Delay."

Defendant's Exhibit EE-2 is an article the headlines of which are "United States Awaits Reply On Rubens' Demand. Soviet Action On Request To Visit Woman In Prison Is Watched By Diplomats."

BY MR. CROSS:

Q. Now, Mr. Chambers, you gave practically the identical answers to questions when they were put to you with regard to the subsequent Baltimore exhibits that I read with reference to Baltimore Exhibit 1, did you not? A. I believe so, I am not quite sure I follow you.

Q. Well, I read you the question and answer with reference to Exhibit 1, and you said that you remembered nothing about any conversation? A. That is correct.

Q. That you were reconstructing it? A. That is right.

Q. And then one by one after Exhibit 1 you were asked specifically about these Baltimore exhibits, weren't you?

A. That is right.

[756] Q. And your answer was the same in each case?

A. I believe that it was.

Q. Including Exhibit 10? A. I believe so.

Q. And at that time you said that you were sure you got it from Alger Hiss? A. I did.

MR. CROSS: Now the pumpkin papers.

MR. MURPHY: They are not known as the pumpkin papers here. Do you know the numbers?

MR. CROSS: I do. Baltimore Exhibits 48, 50 to 55.

(Exhibits referred to handed to Mr. Cross.)

Q. Yesterday I asked you about Government's Exhibits 11 and 12. Those were the microfilms, do you recall, Mr. Chambers? A. The developed microfilms.

Q. The developed microfilms, the two strips of developed microfilms? A. Yes, I recall.

Q. And then from those the enlargements were made which have been marked here Government's Exhibits 48, 50 to 55 that I showed you yesterday? A. That is right.

Q. And those microfilms, the two developed microfilms, and the three undeveloped microfilms, were what you found when the two representatives from the House Committee accompanied you and you took them out of a pumpkin?

A. That I think is not quite accurate.

Q. Well, let me ask you, was there any thing else that [757] you took or that they took out of the pumpkin? A. No, there was not.

Q. And you had hid them in the pumpkin?

A. That is right.

Q. How large a pumpkin patch was that? I did not ask you yesterday. A. There was a single pumpkin vine which had planted itself and on which grew a number of pumpkins.

Q. How many were there when you hid these articles in that pumpkin? A. I could only approximate the number which was perhaps 10 or 12.

Q. And were the pumpkins still on the vine when you put these in the pumpkin? A. They were.

Q. That is still growing on the vine? A. The pumpkin in which I put the documents was not growing on the vine when I put them in.

Q. You pulled it off the vine? A. That is right.

Q. And then you cut a hole in it? A. That is right.

Q. Hollowed it out? A. That is right.

Q. And put the two developed microfilms and the three undeveloped microfilms in the hollow of the pumpkin?

A. That is right.

Q. And the part of the pumpkin that you cut out you put back over so it looked as if it had not been touched?

A. That is right.

Q. And you put it back in the same place where it was?

[758] A. I put it in approximately the same place.

Q. Now, you were shown at the time of your Baltimore depositions each one of these Baltimore exhibits—I will take first Exhibit 48—were you not? A. I believe that I was.

Q. And you were asked whether you had any memory as to who gave it to you? A. I was.

Q. And what was your answer? A. My answer was no, I believe.

Q. And at the first trial you were asked practically the same questions. Do you recall what your answers were?

A. My answer was yes, I believe.

Q. That is, at the time you were asked in Baltimore, which was March 25, 1949, as to each one of these exhibits, 48, 50, 51, 52, 53, 54 and 55, you stated that you could not recall who gave them to you? A. I think I probably stated that I could not recall the circumstances and the act of the documents being passed to me.

Q. And that you could not remember, you had no independent recollection as to who gave them to you?

A. That is right, in the terms in which the question was phrased.

MR. CROSS: I will come back to it as soon as the place has been located.

Q. And your answers to each one of those exhibits were [759] the same substantially? A. I believe so.

Q. I am now referring to page 1046— and this was February 17, 1949:

"Q. You never yourself had any prints made from those three rolls? A. I never had any prints made of any kind.

"Q. I think that clears us up. Let us go to Exhibit 48"—that is the one in front of you, isn't it?

A. I presume it is.

Q. Can't you see 48 on it? A. Yes.

Q. —"The question is from whom did you receive the document of which Exhibit 48 is a photographic print?

"A. I believe I received it from Alger Hiss.

"Q. Now, do you believe, or are you sure?

"A. I will not be definitely sure, but I think so.

"Q. What is there about it that makes you uncertain, Mr. Chambers? A. The fact that Julian Wadleigh was working in the Trade Agreement Section of the State

Department, and this was the kind of material which might have been expected from him."

I will read that question again:

"Q. What is there about it that makes you uncertain, Mr. Chambers? A. The fact that Julian Wadleigh was working in the Trade Agreement Section of the State Department, and this was the kind of material which might have [760] been expected from him.

"Q. Mr. Wadleigh did give you documents, did he not?

"A. Yes, of course. The reason I think it did not come from Wadleigh is that the film is pieced out with other cables from Bullitt. It is completed with cables from Bullitt. Such cables would never have come from Wadleigh. They would have come from Alger Hiss."

Were you asked those questions and did you give those answers?

A. I did.

[761] Q. And were similar questions asked you with respect to Exhibits 50 through 55? A. I believe that they were.

Q. And similar answers given? A. I am not quite sure.

Q. I now read you a question from page 1098 and the answer: "Q. Did you receive that Bullitt cablegram from the same person that gave you Exhibits 48 to 54 inclusive? A. Yes.

"Q. And again do you have any independent recollection of the person who gave it to you? A. I don't remember it being handed me.

"Q. You do not have any independent recollection of the person who gave it to you, is that right? A. Only on the basis of my reconstruction.

"Q. And that reconstruction is what you previously told us about them all being on the same roll of film?
A. That is right.

"Q. Nothing else that you can add to this on the subject of who gave it to you? A. No. I cannot add the details."

Were those questions asked you and did you give those answers? A. I did.

Q. Now these documents relate to a proposed trade agreement with Germany, do they not?

[762] A. I believe that they do.

Q. Which you understood was dealt with by the Trade Agreements Section? A. That is right.

Q. And you understood that Julian Wadleigh was a specialist in the Trade Agreements Section, did you not?

A. To some extent.

Q. An economist? A. I have forgotten.

Q. By the way you know, do you not, Mr. Chambers, that the State Department puts out about every year a book that is available to the public called "The Register of the State Department," that has all the personnel, their positions, their duties and their salaries and their histories? A. Alger Hiss once procured one for me.

Q. So you had one? A. That is right.

Q. And you kept it? A. No. I have not got it.

Q. How long did you keep it? A. I have not any idea.

Q. But you kept it for a time? A. I certainly did.

Q. And I have, so far as I have attempted to state what the Register shows, correctly stated what you find in the Register, haven't I? A. That I do not know.

Q. Doesn't it have the list of the people and positions they held and their duties and their salaries?

A. It certainly does, but I cannot tell you what it says about Julian Wadleigh.

[763] Q. Well, it has everyone in the Department?

A. But still I cannot tell you what it says about Julian Wadleigh.

Q. You never looked to see what it said about Julian Wadleigh? A. I think it is quite possible that I did.

Q. I am going to show you Government's Exhibits 54 and 55, which I showed you yesterday—

MR. CROSS: May I have those photographed copies of Exhibits 1 to 4. They went in this morning.

(Produced.)

Q. (Continuing) —now, Mr. Chambers, I am going to show you Government's Exhibit 14. Those were the photostats that Mr. Murphy asked you if they were a fair representation of Exhibits 1 to 4 and you said they were. A. That is right.

Q. Were you present when those were photostated? A. I was not.

Q. Or photographed. Those were photographed? A. I am not sure whether they are photographed or photostated.

Q. It makes a lot of difference, doesn't it?

A. I am not aware of what technical difference it makes.

Q. Don't you know that the photographing brings out more clearly than the photostating? A. No, I don't.

Q. You do not know what technique was used to [764] bring these out, do you? A. That is quite right.

Q. And you do not know the technique that was used to make this Government's Exhibit 14 compared to this micro-camera that you say that Inserman—was that his name? A. No, his name was Felix Inslerman.

Q. Who you said had the micro-camera? A. No. I believe I said a Leica Camera.

Q. You do not know what process was used in making these- A. You mean these?

Q. Yes. A. No, I don't.

Q. As to whether or not it compared with what you meant when you testified that the pencil notations did not photostat or photograph well? A. I testified to that.

Q. That they don't photograph well? A. As a rule.

Q. And that was true with the method that you say that Felix used back in 1937 and 1938?

A. I think it would be in general true, though I am not entirely sure.

Q. Now let me ask you if on these exhibits I have just shown you, Exhibits 54 and 55, there is a stamp "Department of State, Assistant Secretary of State" with the pencil initial "AH" and ask you if you can find it?

A. Are these the top documents?

Q. No. The Exhibits 54 and 55 that have the stamp

up here (indicating). Can you see any pencil notations [765] "AH"? A. No, I do not.

Q. Well you know that on the original, do you not, there is a pencil notation "AH"? A. I presume that there is.

Q. So that when those were microfilmed the pencil did not photograph well enough to even see it, did it?

A. Not these.

Q. Well, you have said that these were photographed back in 1938, or did you? A. I did.

Q. 1938. So that the method that was then used did not bring out the pencil? A. Apparently not.

Q. Now those three cables were the ones that were produced on December 6, 1948, at a secret meeting or session of the sub-committee of the House Committee and shown to you, were they not?

MR. MURPHY: There is no testimony these were secret. They are executive sessions or public sessions.

MR. CROSS: I beg your pardon?

MR. MURPHY: There is no testimony they were secret meetings. They were executive or public.

Q. Have you ever seen any printed records of the meeting of December 6th? A. No, I am afraid I have not.

Q. This was an executive session? A. I believe so.

Q. Now Mr. Murphy asked you whether you knew that [766] these questions that I asked you yesterday were read in the examination of Wadleigh, do you recall that?

A. Yes, I do.

Q. And do you remember what your answer was?

A. I did not know.

Q. Now the fact is that your testimony at the executive session on December 6th was read to Wadleigh on December 9th to the extent that I read it yesterday? A. (No answer.)

Q. I say your testimony, the questions and answers I asked you yesterday about, were read by Mr. Nixon in the examination of Wadleigh on December 9, 1948?

A. So I understand.

Q. Now I will ask you again whether on December 6th after these documents, all of 48, 50 through 54, had been developed or enlarged you were shown those three cablegrams by the sub-committee? A. I believe that I was.

Q. In order that there may be no misunderstanding I am going to read again this statement:

"Mr. Nixon: I shall read from the record of meeting of a sub-committee of this committee, which heard Mr. Chambers on Monday of this week in New York City, consisting of Mr. McDowell as chairman and myself as a member. The question was by Mr. Nixon (reading):

[767] " 'Mr. Chambers, I hand you herewith photographic copies of documents made from the microfilm which you submitted to the committee in response to a subpoena the committee served upon you.

" 'Mr. Chambers. Yes, sir.' "

Now those microfilms have been marked here as Government's Exhibits 11 and 12, have they not?

A. I believe so.

Q. I will lay in front of you the other enlargements of all those exhibits. I asked you, Mr. Chambers, yesterday if you would look at all of those papers and tell me whether there appears on any of those papers, except the three cablegrams marked Exhibits 54 and 55 that bear the stamp "Department of State, Assistant Secretary of State" except the three cablegrams?

A. If I understand you rightly—

Q. Let me rephrase it: Do you find on any of those papers, on any of those enlargements the stamp "Department of State, Assistant Secretary of State," except on the three cablegrams that I have picked out and shown you as Exhibits 54 and 55?

A. Would you like me to look through them now?

Q. You looked through them yesterday, but if you are not certain I want you to look through them.

A. I will accept the inference that there is no [768] stamp on there.

Q. Don't you remember you looked through them yesterday? A. I recall something of that sort.

Q. And you found none? A. I believe not.

Q. Continuing the statement by Mr. Nixon:

"The documents you are now examining are all documents from the State Department, they bear the stamp 'State Department, Assistant Secretary of State.'"

And that is quoted. Now that relates only to the three cablegrams, is that right? A. I believe so.

Q. "Mr. Chambers. Yes. I should think from the nature of these documents which I have examined they were turned over to me by Alger Hiss, and I should make the point right here, perhaps, that the same procedure that I have described above in the case of other photographers was also followed by Alger Hiss, in addition to the typed documents. There was, however, another active source in the State Department, Mr. Julian Wadleigh, who was in the Trade Agreements Division of the State Department and it is possible some of these documents were from him.

"Mr. Nixon. Was this a source of contact?

"Mr. Chambers: Yes."

You testified I think that those questions [769] were asked you on December 6th at the executive sessions of the sub-committee and you gave those answers.

A. I did so testify.

Q. And when you came to reconstruct your testimony as to who gave you those Exhibits 48 and 50 through 54 you stated that Hiss must have given you those three cables and therefore he must have given you all the others.

A. There is no question about it.

Q. I say that is the way you reconstructed it, wasn't it?

A. That is my recollection.

Q. Well, you reconstructed it as you said in your Baltimore deposition. A. I don't like the word "reconstruct" because in recollecting activities in such detail over so long a period of time a certain amount of—what shall I say?—developing circumstances which surrounded these activities makes what I call reconstruction inevitable.

Q. Now at the time you stated to the House Committee that it is possible some of these documents were from him you referred to Exhibits 48 and 50 to 54, did you not?

A. I believe so.

Q. You spoke of this Felix Inslerman doing the photographing work. You were not present when he did it in the most instances? A. I never recall being present when he did it.

Q. With reference to this envelope that was marked [770] this morning, that you say the Baltimore exhibits and the two developed microfilm strips and the three undeveloped films were found in on November 14, 1948, up at the house in Brooklyn when Mr. Levine was present, you testified he was out of the room for some five minutes or more.

A. I believe so.

Q. And you opened the envelope while he was out, didn't you? A. That is right.

Q. He was not present when you opened the envelope?

A. That is right.

Q. Did you know who, in the ordinary course, Mr. Raymond Murphy or Mr. Berle would have reported anything to when you saw them in the State Department?

A. No. I had been told to whom Mr. Berle would report. I had no clear knowledge as to whom Mr. Raymond Murphy would report.

Q. Did you ever hear of Mr. G. Howland Shaw, the Assistant Secretary of State who was Director of Personnel of the State Department at that time?

A. I do not recall having heard of him.

MR. CROSS: May I have the Murphy notes.

Q. Without waiting for the Government exhibits I have asked for, the Ray Murphy notes, on that you said you first went to Washington and had any contact in the summer of 1935, didn't you? A. That is what the notes say.

[771] Q. And obviously until you went to Washington anything that you heard of what was going on in Washington was pure hearsay, was it not?

MR. MURPHY: I object to this witness testifying as to some legal question.

Q. Well, of your own personal knowledge until you went to Washington you had no personal knowledge of what went on in Washington except what someone told you?

A. I think that is self-evident.

Q. And in the Murphy notes you say that you went down there first in the summer of 1935. I will read it to you as soon as I find it. There is not any question, having heard it read, that you told Mr. Murphy that it was in the summer of 1935 when you first went down?

MR. MURPHY: Your Honor, I submit the notes do not disclose the 1935. I am reading part of it and it does not say 1935 at all.

MR. CROSS: "Memorandum of conversation August 28, 1946. My informant entered into the Washington picture in the summer of 1935 and left it and the party at the end of December 1937."

Q. Did you tell Mr. Murphy that about August 28, 1946? A. I think it is possible.

Q. You told us a lot about Maxim Lieber and the Japanese apparatus. You were asked specifically in your [772] Baltimore deposition on February 18, 1948, whether Alger Hiss had anything to do with it and your answer was that he did not; is that correct? A. That is correct. He did not.

Q. In any statement that you made either to Mr. Berle or Mr. Raymond Murphy, to the FBI or to the House Committee before November 17, 1948, did you ever tell them, without disclosing any name, of any employee that you had been engaged in receiving stolen papers from the Government of the United States? A. I do not believe I did.

Q. Aren't you certain you did not?

A. I have testified over a long period of time and been asked a great many involved and provocative questions and it is very difficult for me to remember the sequence of answers to questions. I believe that the answer I gave you is correct.

Q. Without characterizing any questions I will ask again, did you ever to Mr. Berle, Mr. Raymond Murphy, to the FBI or to the House Committee before November 17, 1948, say "Gentlemen, I was engaged in receiving stolen papers which I turned over to Bykov"? A. I don't believe so.

Q. How long did you stay in the 28th Street apartment? A. I believe about—over a month to six weeks.

Q. Up until the end of June 1935? A. I am not quite [773] sure.

Q. Haven't you testified before that you stayed there about six weeks? A. I just testified to that effect.

Q. And the time you went there you stayed until the termination of the lease, did you not? A. I think we stayed at least approximately until the lease terminated.

Q. And if the lease terminated on July 1, 1935, you stayed there until approximately July 1, 1935, did you not? A. No, my recollection is that we stayed there into June.

Q. What time in June? A. I would think about the middle of June and I arrive at that because I believe we moved in there around the 1st of May.

Q. Haven't you heretofore testified you stayed there until toward the end of June? A. I may have.

Q. Was that true? A. It was my best recollection.

Q. And you have told his Honor and the jury that in Mr. Schapiro's apartment on June 16, 1935, you looked at some ad for a bungalow in Long Eddy under date of June 16, 1935. A. That is right.

Q. Now you said you did not write this article about Alger Hiss in Time. That appears to be in the International Section of Time. Were you an editor of Time in charge of foreign news at one time? A. That is right.

Q. When? A. I believe in the year 1945.

[774] Q. At this very time, wasn't it- A. You are quite correct.

Q. And these articles appear in that department of Time, don't they? A. You are mistaken.

Q. Who is the editor of that department? A. John Osborne.

Q. International? A. That is right.

Q. This International has not anything to do with foreign news in regard to that time? A. As a matter of fact there was a considerable clash between the two departments.

Q. Now I read, or Mr. Murphy, about the interior of Volta Place and the 30th Street house on March 25, 1949, was it not? I mean the testimony you gave on March 25, 1949. A. I must apologize but I don't follow that question.

Q. Do you remember Mr. Murphy reading you testimony in your Baltimore deposition with reference to your description of the 30th Street house?

A. I believe he did.

Q. And that you know was March 25, 1949? A. That was the date of my deposition?

Q. Yes. A. I believe so.

Q. I mean your description was given on March 25, 1949. A. I believe so.

[775] Q. And what I read to you was back in August 1948.

A. I am probably very tired but I must apologize. I cannot remember what you read to me.

THE COURT: I think it is about time to take an adjournment until tomorrow.

MR. CROSS: I will do as your Honor says, but I will finish by 4:30.

THE COURT: If you can do it in two minutes.

Q. That was after you had been over with the FBI on February 2nd, 1949, wasn't it? A. I must come back to the fact I have failed to follow your questions just preceding that one.

Q. At any rate you had been with the FBI up to 30th Street and Volta Place on February 2, 1949? A. I believe that is the date.

Q. And you had talked with Clidi Catlett and Martha Pope the 1st of February, had you not?

A. I believe that is right.

Q. About the interior of those houses? A. It would be more correct to say I asked questions about the interior.

Q. Do you say to this Court that Mr. Hiss knew you and Mrs. Hiss knew you by the name of Breen?

A. I believe they knew the name Breen.

Q. Do you say they knew you by the name Breen?

[776] A. Yes.

Q. Is this the first time you have ever so testified under oath? A. I believe that it is.

Q. You have heretofore said that the only name they knew you under was Carl, haven't you? A. No. I said that was the apparatus name which they constantly used.

Q. And they did not know you under the name Chambers?

A. I believe they did not during the years of our active relationship.

Q. Now do you say for the first time here they knew you by the name Breen? A. I believe that they knew me by the name Breen.

Q. Just one question and this is on direct at the first trial, page 218a: "Q. By what name had they know you? A. They had known me as Carl, my apparatus pseudonym.

"Q. Carl? A. Carl.

"Q. Did they know you as Crosley? A. I can't recall the name Crosley, but it is quite possible that I used it."

MR. MURPHY: Shall I try to finish? I think I can if I can have a leeway of five minutes.

THE COURT: I think five minutes, yes.

MR. MURPHY: Unless Mr. Cross thinks he must ask some more.

THE COURT: Then perhaps we will adjourn until [776a] tomorrow.

MR. CROSS: I kept within my promise.

THE COURT: You did splendidly.

MR. MURPHY: So as to avoid any question I think we should adjourn now. If it only takes a few minutes in the morning it will only take a few minutes.

THE COURT: Tomorrow morning at half-past ten.
(Adjourned to November 30, 1949, at 10:30 a.m.)

[777] New York, November 30, 1949; 10:30 o'clock a. m.
Trial resumed.

JAY DAVID WHITTAKER CHAMBERS, resumed the stand.

THE COURT: Mr. Murphy.

MR. MURPHY: Your Honor, in connection with Government's Exhibit 18 which I read yesterday to the jury, which is the report of Mr. Berle, the name that I referred to as Z seems to have become a matter of public knowledge overnight, so I think the jury should be acquainted with it in the same way.

THE COURT: The purpose of blocking that out was solely for the purpose of saving anything in connection with a man who has since died. That was the sole purpose of it, and both counsel agreed.

MR. CROSS: Yes, your Honor. And may that blocked out part now be read to the jury?

THE COURT: Yes.

MR. CROSS: And then I want to ask one or two questions of Mr. Chambers in view of this being removed.

MR. MURPHY: I can't actually remove the blocking without destroying the paper, so I am going to substitute [778] another copy and ask the clerk to mark it with the same number, Government's Exhibit 18.

(Paper referred to marked Government's Exhibit 18.)

MR. MURPHY: Ladies and gentlemen, yesterday the name that I referred to as Z when I read this exhibit, Government's Exhibit 18, is Lawrence Duggan.

Did you want to ask some questions?

MR. CROSS: How about the other one?

MR. MURPHY: Which one is that?

MR. CROSS: The Murphy notes, the whole paragraph blocked out.

MR. MURPHY: Now, your Honor, another question has arisen entirely different from this exhibit which we discussed in chambers two minutes ago. Now Mr. Cross

says to me what about the other paragraph that was blocked out in the Murphy report? Your Honor is familiar with that, and I think your Honor ruled that that was a matter that was not discussed by the witness or anybody else, and for that reason we thought it advisable to keep it blocked out, and I do not think it is relieved by this change now.

THE COURT: I do not remember it well enough to rule without seeing it again.

MR. CROSS: I have not seen it, but I understood that Mr. Lawrence Duggan's name was covered up in that [779] document.

THE COURT: I better look at it.

MR. MURPHY: Your Honor, I show you the original of the Murphy report dated May 20, 1945, and call your Honor's attention to the fact that a paragraph marked on the side with pencil is a paragraph that has been removed when that exhibit was shown and read to the jury.

THE COURT: I think it should be unblocked.

MR. MURPHY: Should be unblocked?

THE COURT: Yes.

MR. MURPHY: Fine.

Shall I read it now to the jury, Judge?

THE COURT: Yes.

MR. MURPHY: I am reading now from Government's Exhibit 17 which consisted of two reports of Ray Murphy, the Security Officer of the State Department, and specifically from the part of the exhibit dated March 20, 1945, which was the first of the two reports, and reading the part that had been blocked out:

"In a special category were Noel Field and Lawrence Duggan of the State Department. Field was described as a member at large of the Party, Duggan was not. Neither was connected with the underground and in fact the underground had orders to refrain from contacting them. The special [780] liaison of Field and Duggan was one Hetta Gumperts. She is now in the Personnel Department of the Todd Shipbuilding Corporation and is married to Paul Massing, a former member of the German Communist Party described by General Krivitsky in his book. Massing

is a penologist for the State of Pennsylvania and they have a farm near Quakertown, Pennsylvania. He is also known as Karl Billinger. Hetta Gumperts is a Vienese Jewish girl. When Field went to the League of Nations in 1936 he left Duggan in her special care. Gumperts was a Communist international agent. It is understood that Field and Duggan disclosed any information she wanted to know."

MR. CROSS: May I ask a few questions in view of these matters that have now been disclosed?

THE COURT: Yes, Mr. Cross.

Recross Examination continued by Mr. Cross:

Q. Mr. Chambers, these notes of Mr. Ray Murphy, including the part blocked out, was before the House Committee beginning in the summer of 1948, were they not? A. That I do not know.

Q. Weren't you asked about matters contained in those notes by a member of the House Committee?

A. I probably was, I do not know whether specific [781] reference was made to the notes as a source of questions or not.

Q. Well, you were asked about things that you had stated to Mr. Murphy, weren't you? A. I may have been.

Q. And you had no doubt that that information was in the possession of the House Committee when you were being interrogated about these matters, did you?

A. I, in fact, did not know any such thing.

Q. And when you were before the grand jury in December 1948 you were asked questions about what you had stated in those statements to Mr. Murphy and Mr. Berle, were you not? A. I was asked similar questions.

Q. Did you see those notes in anyone's hands in the grand jury? A. I first saw those notes yesterday morning.

Q. But you were asked in the grand jury about matters that you had referred to in those notes, weren't you?

A. That is quite true.

Q. And you were asked about Lawrence Duggan, weren't you? A. I was.

Q. At both places? A. I believe so.

Q. Under oath? A. Under oath and otherwise.

Q. And shortly thereafter Mr. Lawrence Duggan met a most unfortunate death; did that come to your attention? A. It certainly did.

[782] Q. And that is after you had testified before the grand jury? A. That is correct.

Q. And you made a public statement at that time after his death, didn't you? A. I made two public statements at that time.

Q. At that time did you say, Mr. Chambers, that you had never received any State Department papers from Mr. Duggan and that Mr. Duggan was not to your direct knowledge a Communist? A. That is correct.

Q. And at that time did it come to your attention that members of the House Committee stated that in view of your statement, in view of the change of statement—

MR. MURPHY: I do not think it is important what the House Committee said, if your Honor please. I have no objection to this witness being interrogated as to what he said, but I think it is completely irrelevant as to what the House Committee or anybody else said who was not a witness here in court.

THE COURT: I should think so, Mr. Cross.

Q. But you did state after his death, within a matter of a day or two, that he never passed any papers to you?

A. That is quite correct.

Q. And that to your direct knowledge he was not a Communist? A. To my direct knowledge, no.

Q. And that was after his death? A. That is right.

MR. CROSS: That is all.

[783] *Redirect Examination by Mr. Murphy:*

Q. And that is still your statement, is it not, Mr. Chambers? A. Yes.

Q. Both of the notes, the Ray Murphy notes and Mr. Berle's notes, were the result of questions asked of you by each of those men? A. That is right.

Q. Mr. Chambers, I am referring to yesterday's recross examination by Mr. Cross when he showed you a group of enlarged photographs known here as Baltimore Exhibits 48 to 55. They are the enlarged frames of the various frames on the two developed strips of microfilm, and you said, in substance, that you had no independent recollection of receiving each particular piece of paper. Do you recall that? A. That is correct.

Q. Will you tell the Court and jury, please, what you mean by having no independent recollection of receiving each particular paper? A. I do not recall with a clear and vivid recollection the time that Alger Hiss handed over to me each particular one of those pieces of paper.

Q. But there is no doubt in your mind that he did hand you each and every one of the papers? A. There is no possible doubt.

Q. What you do not recall are the circumstances surrounding the delivery of each piece of paper? A. That is correct, and that was the line of questioning which was [784] being pursued in Baltimore to which I made those answers.

Q. And that is your testimony today, in 1949, that you do not now have a specific recollection of the circumstances surrounding the delivery of each specific piece of paper? A. I do not, and it seems to me it would be very curious if I did.

Q. But the group, in so far as they are all part of one photographic run, numbered 1 to 58, I think the number is on the microfilm, and the fact that they are connected with the Bullitt cables, convinces you that they were all received from Mr. Hiss? A. That is true, and leaves no question whatsoever.

Q. In other words, you could not possibly have received any of those from Mr. Wadleigh? A. No.

Q. Although you are frank to say you did receive some papers from Mr. Wadleigh? A. Certainly, and I pointed out in Baltimore that Mr. Wadleigh was an active source. In other words, I made what any intelligent man would make to other intelligent men a qualification of that comment.

Q. Now if I told you that Mr. Lamb was in this building on April 5, 1949 and you were confronted with him, would that date tend to refresh your recollection? A. I believe that was the date.

Q. That was upstairs in the F. B. I. office? A. That was in the F. B. I. office on the 6th floor of this building.

[785] Q. Now there has been an inference here, Mr. Chambers, that when you received the envelope from Mr. Levine, do you remember, in the bathroom— A. Yes.

Q. —after he had put his hand into this abandoned dumbwaiter shaft, and handed it to you, you took it into some adjoining—I think you said kitchen? A. That is right.

Q. And he came in with you and got a broom and went back to wipe up the mess and you were in there alone?

A. That is right.

Q. I think the inference has been attempted that during that time you substituted these papers now on trial for whatever was in the envelope; is there any truth to that?

A. There is not.

Q. These papers that I have introduced here in this courtroom were the papers that were in that envelope during all the time it was in this dumbwaiter shaft? A. That is right.

Q. In fact, there would have been no need to go to Brooklyn to do that? A. There would not.

Q. Do you remember now whether or not you told Mr. Murphy that you came to Washington in 1935 or 1934?

A. I may well have said 1935. I don't have a clear recollection.

Q. Would this tend to refresh your recollection, [786] reading from the first page of Mr. Murphy's report dated March 20, 1945: "The informant dealt with these people from 1934 to the end of 1937."? A. Quite clearly I said 1934. I might add in that connection, if I may, that Mr. Murphy has, of course, paraphrased what I told him, as is quite clear from the context.

Q. How long would you estimate both of your talks,

or each time, with Mr. Murphy took? A. I believe that Mr. Murphy was with me about two hours on either occasion.

Q. And how long would you say you were with Mr. Berle?

A. With Mr. Berle it seems to me that we talked on these matters from about 9 or half-past 9 in the evening until around midnight or later.

Q. Mr. Murphy is living? A. As far as I know Mr. Murphy is alive.

Q. And Mr. Adolf Berle? A. Mr. Adolf Berle is alive.

MR. MURPHY: You may examine.

Recross Examination by Mr. Cross:

Q. Mr. Chambers, I did not ask yesterday afternoon, because I wanted to finish by 4:30, but I want to ask now to clear up one or two points: Did you say that you had a false birth certificate for your wife, that is, under the name of Edna Rogers, that you kept up until the present time? A. I said that I was given a false birth certificate which would have been used for a passport for my wife.

[787] Q. And you kept it up until the present time? A. That is right.

MR. CROSS: May I have it?

MR. MURPHY: I do not have it.

MR. CROSS: Where is it?

THE WITNESS: I do not have it either.

Q. What has happened to it? A. I thought it was in the possession of the Government.

MR. CROSS: May I have it?

MR. MURPHY: So there will be no argument, your Honor, and so everybody in the courtroom can hear it, I have never received any passport, nor do I have a passport, in the name of Mr. Chambers' wife.

MR. CROSS: Mr. Murphy, you misunderstood. I asked for a false birth certificate of one Edna Rogers.

MR. MURPHY: I have no such certificate.

MR. CROSS: Will you make inquiry of the F. B. I.?

MR. MURPHY: I have already made inquiries. I don't know why I should be interrogated. This is the witness on the stand.

Q. You think you gave it to the F. B. I.? A. I thought that it was introduced here yesterday in evidence. I can be mistaken.

Q. No. The birth certificate of you, David Breen, was introduced and the birth certificate of Ursula Breen, [788] that false certificate of Ursula Breen from Atlantic City, and you volunteered about one for your wife that you had kept, and I want it. A. In that case I do not have it. I am sorry. I thought it was with the other two.

Q. But it was in the name of Edna Rogers? A. That is right.

Q. And where is she supposed to have been born?

A. That I have forgotten.

Q. Or the name of her father? A. I remember none of the data. I remember only the name on the birth certificate.

Q. But it was a false certificate that you took along to get your passport? A. I did not take it along. It was a birth certificate.

Q. You knew it was false? A. Of course.

Q. And you intended to use that false birth certificate, along with your own false certificate for David Breen, the dead boy? A. That is right.

Q. Now, introduced yesterday were three bank accounts,—

A. That is right.

Q. —one of which ran up and showed deposits of, Mr. Murphy said, $700 or $800, I think, or even ran above that, and the last entry was sometime in 1937, is that your memory? A. That is my recollection.

[789] Q. And did I get it right that that was a plan that you had, to build up you in that community under the false name of David Breen? A. That is practically correct.

Q. Now, before you started that false scheme of establishing in the community of New Hope and Smithton,

and on the Delaware, had you had bank accounts in other false names? A. I believe I had.

Q. And under what names? A. I am not sure, but it seems to me that my account with Mr. Lieber might have been in the name of Cantwell.

Q. Any others? A. I don't recall any other.

Q. Did you turn that over to the Government?

A. I think the Government has all the data on the Lieber experience. I have not seen it.

Q. But, anyway, if there is a name appearing it would be under the false name of Cantwell? A. No. It may be Breen.

Q. May be Breen? A. That is right.

Q. Haven't you seen those papers lately? A. I have never seen them.

Q. I thought you said you turned them over to the Government? A. I told the Government where they were. They were not in my possession. I am now talking about the Lieber-Chambers account.

Q. You had that, didn't you? A. No, I did not.

[790] Q. You told them where they could get it? A. That is it. It was in the bank.

Q. And you told them what bank? A. I believe it was the Chemical Bank & Trust Company.

Q. Any other accounts that you and Mrs. Chambers had, other bank accounts? A. We have had a bank account in the Westminster Savings Bank for a number of years. I don't know that we had any others.

Q. That account was under the name of Chambers?

A. That is right.

Q. Esther Chambers? A. Right.

Q. Did you give that book over to the Government?

A. I think the Government has looked at it.

Q. Did you give it to the Government? A. My bankbook?

Q. Yes. A. I was never asked for it.

Q. Have you got it here? A. No.

Q. But that bank account started back in 1937?

A. I believe so.

Q. And it has continued up to the present time?

A. That is right.

Q. In the name of your wife? A. In both our names.

Q. In your joint names? A. That is right.

Q. There are a lot of questions asked you about different books you had translated and reviewed. Did you [791] have a review of Rebecca West's "Meaning of Treason"?

A. I did.

Q. Did you write a story "Medieval Man"?

A. I certainly did.

Q. What is that other? A. The two articles on the Middle Ages in Life were written by me.

Q. Was your name on them? A. It was not.

Q. Did you write "The Edwardians"? A. Yes.

Q. Where did that appear? A. That appeared in Life and the same series on the History of Civilization.

Q. Did your name appear? A. No. A credit was given in a little box in Life.

Q. Did you review a book by Kafka? A. I certainly did.

Q. Dealing with a trial? A. Yes.

Q. What was the name of that book? A. The book which I reviewed—I have forgotten the exact title, but it was Max Brody's Biography of Franz Kafka.

MR. MURPHY: Your Honor, I am going to press now for a ruling on whether or not this is proper re-recross. It seems to me that we are getting near the end now and Mr. Cross seems to be reviving matters that he properly should have taken up either on cross or recross. As I understand the rule we are now limited to cross-examining the witness as to matters that we each brought out in turn as we got near the end.

[792] MR. CROSS: Mr. Murphy's statement is technically correct. I had one other question.

MR. MURPHY: I have no objection to one other question.

MR. CROSS: In view of your statement I want to make a statement. I had one other question that I did not

ask yesterday that properly should have come in redirect but I had tried to close by 4:30, and I did a minute before. I am not going to ask it, but that was the only one.

THE COURT: I think you might ask it.

Q. Were you a wrestler at Columbia? A. I was.

Q. And was your brother a wrestler? A. Not that I know of.

Q. I understand you told his Honor and the jury this morning in answer to a question by Mr. Murphy that it was not possible for Wadleigh to have given you any of those enlargements of microfilms? A. That is correct.

Q. That is true? A. That is right.

Q. And you swore to that before God, before Judge Murphy and this jury? A. There is no question about it.

MR. CROSS: Now may I have Government's Exhibits 48 to 55?

You understood I meant Judge Goddard instead of Mr. Murphy. I want the record to be correct on it.

Q. Now let me get it straight: You now swear with [793] the same solemnity that it was not possible for Henry Julian Wadleigh to have given you the originals of the State Department documents, or copies of them from which the microfilms here marked Government's Exhibits 11 and 12 were made? A. Let me state it simply and categorically as I can, that Wadleigh did not give me those documents.

MR. CROSS: No. Please read the question and please follow the question and then answer.

Q. (Read.) A. I will then answer you that it was physically possible but contrary to the fact.

Q. Did you understand Mr. Murphy's question when he asked you whether it was possible for him to have given it to you? A. I thought I did.

Q. And you answered that it was not possible, didn't you? A. I did.

Q. Now I read again from your testimony before the House Committee when you were under solemn oath:

"Mr. Nixon: I shall read from the record of a meeting of the sub-committee of this Committee which heard Mr. Chambers on Monday of this week in New York, consisting of Mr. McDowell as chairman and myself as a member. The question was by Mr. Nixon reading: "Mr. Chambers, I hand you herewith photographic copies of documents made from the microfilms which you submitted to the Committee in response to the subpoena the Committee [794] served upon you.

"Mr. Chambers: Yes, sir."

And you were shown enlargements of Baltimore Exhibits 48 and 50 through 55, or copies, were you not?

A. That is right.

Q. Then he continued:

"The documents you are now examining are the documents from the State Department. They bear the stamp 'State Department, Assistant Secretary of State'."

The only documents you told us yesterday and on a previous occasion that bear the stamp are Exhibits 54 and 55, are they not? A. Yes, I believe they are.

Q. "Mr. Chambers: Yes, I should think from the nature of these documents which I have examined they were turned over to me by Alger Hiss, and I should make the point right here perhaps that the same procedure that I have described above in the case of other photographers was also followed by Alger Hiss in addition to the typed documents. There was, however, another active source in the State Department, Mr. Julian Wadleigh, who was in the Trade Agreements Division of the State Department, and it is possible some of those documents were from him.

"Mr. Nixon: Was this a source of contact, Mr. Chambers?

"Mr. Chambers: Yes."

[794a] You were then under oath, weren't you? A. That is correct.

[795] Q. And you either lied to that House Committee or you lied to this jury and his Honor, did you not?

A. That is not correct.

MR. CROSS: Your witness.

Redirect Examination by Mr. Murphy:

Q. Mr. Witness, I am not even going to press that at all. I am just going to ask you about the birth certificate. You said that you had a birth certificate for your wife. Were you perhaps confusing it with that certificate that you had in the name of the child in which your wife's name was mentioned as Edna Rogers? A. No, I think that I inferred from the fact that the child's birth certificate and the David Breen certificate were there, that the Edna Rogers certificate was there too.

Q. If I tell you that we haven't got that, does that refresh your recollection that you did not give it to us? A. Certainly.

MR. MURPHY: That is all. No further questions. Anything else?

MR. CROSS: That is all.

MR. MURPHY: Thank you; you are excused.

(Witness excused)

HENRY T. IRELAND, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Ireland, I have not seen you since June, I guess, isn't it? A. That is right, sir.

Q. You are with the Kodak people? A. Eastman Kodak, Rochester.

Q. And how long have you been with that concern?

A. 43 years.

Q. And what is your position up in Rochester, Mr. Ireland? A. Superintendent of the Finished Film Department.

Q. And did you on December 21, 1948, examine a small piece of microfilm? A. Yes, sir.

Q. And I show you Government's Exhibit 12 and ask you whether that is the film that you examined. Did you mark it with a stylus at all? A. Well, one sample I put my initial on.

MR. MURPHY: Is the light good enough here for you?

THE WITNESS: Yes.

Q. Is that the film you examined, Mr. Ireland?

A. Yes, sir.

Q. Now, does your company make that film? A. Yes, sir.

Q. And when it does make it does it use a certain [797] code so that looking at the code you can tell when it was made? A. Yes, sir.

Q. Now, based upon your experience and your knowledge of the company's business and that code, will you tell the Court and jury when that film was made? A. 1937.

MR. MURPHY: You may examine.

MR. CROSS: Mr. Ireland, Mr. Murphy asked you if you had seen him since June of this year. You have not seen me before, have you?

THE WITNESS: No, sir.

MR. CROSS: I hope you have a pleasant trip back. No questions.

MR. MURPHY: Thank you very much, Mr. Ireland.

(Witness excused)

GEORGE F. HUNTER, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Hunter, you are with the DuPont people, are you? A. That is right.

Q. What is the name of the corporation that employs you?

A. E. I. DuPont de Nemours & Company, Photo Products Division.

Q. And that is over in Jersey? A. One of the plants, the plant where I am is in New Jersey, yes.

[798] Q. How long have you been with that company?

A. 30 years.

Q. What is your position there, title? A. I am the chief supervisor in the finishing division.

Q. On December 22, 1948, did you examine a small strip of microfilm? A. Yes, I did.

Q. I show you Government's Exhibit 11 and ask you whether this is the film that you examined? A. Yes, it is the film.

Q. You can tell that because you put your initials on it?

A. That is right.

Q. Is that strip made by your company? A. Yes, it is.

Q. And when your company makes film do you use some sort of a code to tell when you make it? A. That is correct.

Q. Do you repeat that code? In other words, as the years go by do you use the code number again?

A. We did at some time but at the present time we do not.

Q. But back in the '30s did you do it? A. Yes, we did.

Q. Now, looking at that film and knowing the code that you used, would you tell us what possible dates that film was made on? A. It was made either in December 1936 or in June 1944.

Q. And that is because you used the same code number [799] in both of those years? A. That is right.

Q. The intervening years you used a different code number? A. That is correct.

Q. And there is no way you have of telling whether it was a 1936 film or a 1944 film, is that right?

A. That is right.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Mr. Hunter, when this is sold—by "this" I mean these strips of film—what are the lengths? A. Normally this type of film is sold in thousand-foot lengths, but we do sell a small part in smaller lengths, 500 feet lengths, 400.

Q. What is the smallest you sell? A. I think about 400 is the smallest.

Q. And it runs up from a thousand to 5000?
A. 1000 to 2000.
Q. 2000? A. Yes, 2000.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. You sell that to dealers in that way, don't you?
A. Yes, we do.
Q. In other words, if a man walked off the street and said he wanted 20 feet you would not sell him that?
A. No, we would not.
[800] Q. In other words, the dealers cut it down to the size that the people want, the individuals? A. I suppose they do, I don't know.
Q. You don't know? A. I don't know.
Q. Most of your trade is with large dealers and motion pictures companies? A. With the motion picture companies and dealers, and other consumers.

MR. MURPHY: That is all. Thank you very much.
(Witness execused)

LYNN O. De LASHMUTT, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. De Lashmutt, you are vice-president, I think, of the Riggs National Bank? A. Assistant vice-president, yes.
Q. Assistant vice-president? A. Yes.
Q. And that is a bank in Washington, D. C., is that right? A. It is.
Q. Now, have you produced, pursuant to subpoena, your records concerning the account of Alger and Priscilla Hiss in that bank? A. I have.
Q. Would you look at those records, please, now, Mr. De Lashmutt? A. Yes.
Q. Looking at those records will you tell me when that [801] account—that is a joint account, I take it, is it?
A. That is correct, yes.

Q. And that means that either party can withdraw? A. That is correct.

Q. And when was that account opened? A. Do you want both of them? I have two here, checking and savings.

Q. Well, let us start with the savings. A. There was a joint account opened in 1936, November 4.

Q. November 4, 1936? A. That is correct.

Q. And what was the initial deposit? A. $300.

Q. Now, I take it between that time and, let us say, the end of November, there were a number of deposits, were there? A. That is correct, yes, sir.

Q. Now, up to and including November 11, 1937, how many withdrawals were there? A. November 11?

Q. Yes. A. None.

Q. So that we have the first withdrawal on November 11, 1937, is that correct? A. November 19.

Q. November 19, I am sorry. And that was for how much? A. $400.

Q. Now, on that date with that withdrawal what was the balance remaining? A. After the withdrawal it was $40.46.

Q. In other words, there were no withdrawals up to November 19, 1937, and then on that day after the [802] $400 was withdrawn, $40.46 remained, is that correct?

A. That is right.

Q. Now, you say there was a checking account also in your bank? A. Yes.

Q. And the checking account, was that a joint checking account also? A. It was.

Q. And when was that opened? A. July 24, 1933.

Q. I forgot to ask you, in connection with the savings account was that withdrawal in cash? A. Yes.

Q. In cash? A. Yes.

Q. Now, concerning the checking account in November, let us take the date November 19, 1937, in the checking account, what was the balance?

THE WITNESS: May I have a moment to find the date? I have so many here.

MR. MURPHY: Yes.

A. The balance in the checking account on November 19, 1937, was $217.69.

Q. $217.69? A. Yes.

Q. Would you just run up and down there for a month either way? What was the average balance just in round figures? A. Oh, $200, $250.

Q. Then I think that your bank made a small loan around the beginning of December of that year?

A. March 8, 1938.

[803] Q. Wasn't there a loan in December of 1937?

A. I don't see a loan for that date.

Q. Would it be in either of the two accounts, would the loan be recorded? A. No, this is a loan card.

Q. March 8, 1938, is that what you said, Mr. De Lashmutt? A. I am very sorry, it was December 8, 1937. The maturity date was March.

Q. And that was a loan I think for $300? A. $300, yes.

Q. And who signed the note on that? A. Mrs. Hiss.

Q. And I think it was repaid late that month, is that right? A. Well, not completely, no.

MR. MURPHY: All right. You may examine.

Cross Examination by Mr. Cross:

Q. What was the balance of the joint checking account on November 30, 1937? A. November 30?

Q. Yes. A. $14.69.

Q. Had there been any deposit between November 16 and December 1st, 1937? A. Between the dates, no.

Q. Now, this was at a branch bank of the Riggs National Bank? A. Yes.

Q. What was the name of it? A. Farmers and Mechanics Branch.

Q. Where is that located? A. At Wisconsin Avenue and M Street in Georgetown.

[804] Q. Are you with that branch or are you with the main branch? A. I was at that time but not now.

Q. Now, have you got the complete records of the savings account here? A. I think so.

Q. Was there a withdrawal on June 19, 1938, of $150?
A. Of how much?
Q. $150. A. June 19, yes. That was 1939.

MR. MURPHY: 1939?
THE WITNESS: Yes.

Q. On September 10, 1940, was there a withdrawal of $400? A. No—yes, there was. 1940 is the year?

Q. That is what I said. A. Oh yes, September 10, 1940, $400.

Q. $400? A. Yes.

Q. The same figure as withdrawn on November 19, 1937? A. Yes.

Q. Then on January 3, 1942, was there a withdrawal of $200? A. Yes.

Q. I show you, Mr. De Lashmutt, a photostatic copy of the deposit slip of your bank. That is such a photostatic copy, isn't it? A. That is correct.

(Paper handed to Mr. Murphy)
MR. MURPHY: I have no objection.
MR. CROSS: I offer it in evidence.
(Marked Defendant's Exhibit FF)
[805] MR. CROSS: Ladies and gentlemen of the jury, Defendant's Exhibit FF is a deposit slip for the credit of Priscilla Hiss, December 8, 1937; and then $300; then NT December 8, 1937, F. M.

Q. "NT" means note teller? A. Note teller.

Q. And "FM" is the branch, the Farmers and Mechanics Branch? A. That is right.

Q. This would indicate that on the signing of a note there was credited to the joint checking account of Alger Hiss and Priscilla Hiss $300, is that correct?
A. That is correct.

Q. Now, do you find on December 8, 1937, a credit to the joint checking account of Mr. Alger and Mrs. Priscilla Hiss of $300? A. December 8, 1937.

Q. And I think I asked you already, on November 30,

1937 the balance was down to $14.69? A. That is correct, yes.

Q. Do you have the note account here of the bank for Mr. or Mrs. Hiss? A. I have the note records, yes.

Q. Beg your pardon? A. Yes, I do.

Q. Well, is that a record that appears in the bank's notes account or in a special account for the Hisses?

A. Well, this is a liability card for that which would carry all of their loan records.

Q. And there are other loans to them? A. Yes.

[806] Q. Beginning when? A. The original loan was increased to $400 on June 18, 1938.

MR. MURPHY: What original loan? I didn't understand.

THE WITNESS: The $300.

MR. MURPHY: Was that the first loan?

THE WITNESS: The $300 was the first loan, yes.

MR. CROSS: I have never seen this record. Perhaps I can abbreviate it if I see it, Mr. De Lashmutt.

THE WITNESS: Certainly (handing).

Q. This shows all of the loans by Priscilla Hiss and the payments from the date of the first loan which was December 8, 1938, but you simply note here—

MR. MURPHY: 1937, I think.

MR. CROSS: 1937.

Q. —but here it is listed as 3/8/38, which is the due date? A. That is correct.

Q. All the dates that appear on there are the due dates? A. On this side (indicating).

Q. And on this side (indicating) is the date of the note? A. That is right.

Q. Would it inconvenience the bank if we had this marked as an exhibit, and then have a photostatic copy made and return the original later? A. That is perfectly all right.

[807] MR. MURPHY: I have no objection. Can we do that with all of the records? We can return them to you today.

THE WITNESS: I see no reason why not. Certainly.

MR. CROSS: This will be Defendant's Exhibit GG. It is all right to mark the original and then return it?

THE WITNESS: That is perfectly all right.

(Marked Defendant's Exhibit GG)

Q. In the first column on this account you have stated that it gives the due date of the note and then the amount of liability? A. That is right.

Q. And then the next column represents the payments made on account of indebtedness? A. That is correct.

Q. And then the— A. Then your final balance would be out here on this extreme end. You see, there are two types of loans there; one is direct and one is indirect.

Q. Would you explain the difference? A. Yes. The loan made to Mrs. Hiss would be a direct loan, but if we had accepted someone else's note for her use that would be indirect.

Q. And the last note was one of September 11, 1942, and that was paid what date? A. That note was paid [808] ahead of its due date on October 3, 1942.

Q. And on that date the notes account was closed? A. Closed, yes.

Q. By the payment of all indebtedness?

A. That is correct.

Q. Were notes given in each of these cases? A. Yes.

Q. Signed by Mrs. Hiss and Mr. Hiss, or only by one?

A. Only by Mrs. Hiss.

Q. And were they secured? A. They were at the end, yes.

Q. I show you a photostatic copy and ask you if this is a copy of the savings account? A. It is.

MR. CROSS: Will you mark this Defendant's Exhibit HH.

(Marked Defendant's Exhibit HH)

Q. Mr. De Lashmutt, would you look at your records of the joint checking account under the heading "Deposits" opposite the date September 22, 1937? A. September 22?

Q. 1937. A. I am afraid I will have to look at that sheet.

Q. Do you have it, Mr. De Lashmutt? A. I do.

Q. Is there a pencil notation opposite September 22, 1937? A. Is there a what?

Q. A pencil notation. A. Yes, there is.

Q. What is the pencil notation? A. There is a check [809] mark in pencil and the top word looks like "Kent" or "Kent County", it could be. It is not very clear.

Q. Does that indicate that the deposit on September 22, 1937, was a check drawn on the Kent Savings Bank?

A. I don't know.

Q. Is there a Kent Saving Bank in Chestertown, Maryland? A. I don't know.

Q. Do you know whose handwriting that is? A. No, I don't.

Q. But that has something to do with the deposit of September 22, 1937 in the amount of $13.05? A. I imagine it does.

MR. MURPHY: How much? $13?

MR. CROSS: It is in between the date and the amount.

THE WITNESS: It certainly is. I don't know how it got there.

Q. Will you look at an entry of September 7—

A. I can answer your question. I have the deposit ticket here.

Q. Could you let us have it? A. It says Kent County.

Q. Let us see the deposit slip? I have never seen that. A. I didn't know I had it. (Handing.)

MR. CROSS: I have taken off the clip and attached [809a] the blue slip that you referred to. I would like to mark the blue slip.

Q. The other deposit slips there are all deposit slips for that period covered by that sheet? A. That is right.

MR. CROSS: Now, may I have those?

THE WITNESS: Surely (handing).

MR. CROSS: Would you mark this Defendant's Exhibit II.

(Marked Defendant's Exhibit II)

[810] Q. I have a note on the checking account between September 7, 1935 and September 9, 1935, Bowery Savings. Will you look at that, Mr. De Lashmutt? A. 1935?

Q. 1935. A. Yes, I have it.

Q. And can you tell what entry of what deposit that refers to? A. $652.57.

Q. And that was credited to the account of Priscilla Hiss from the Bowery Savings Bank? A. That is right. Not necessarily from the bank; that is just descriptive matter. It might have been drawn on that bank or it might have come from the bank.

Q. I mean it would indicate that the Bowery Savings Bank was the source of the funds? A. Yes.

MR. CROSS: I offer it. It is dated September 9, 1935.

(Marked Defendant's Exhibit JJ)

Q. Now there is one for October 20, 1936, Corn Exchange. Will you look for that, please? A. October of 1936?

Q. 1936. A. October 20th.

Q. And what is that deposit, the amount of the deposit?

A. $106.32.

Q. Have you the credit slip? A. Yes (handing).

MR. CROSS: That will be Defendant's Exhibit KK.

(Marked Defendant's Exhibit KK)

Q. I do not have them all here, but to save time, Mr. [811] De Lashmutt, these are photostatic copies of this joint account beginning June 28, 1935 and running up to May 6, 1938. I will mark my own if you can identify these as being photostatic copies of what you have for those dates—for the period between those dates. A. My sheets are not concurrently with those. I will have to look at them.

MR. CROSS: Maybe Mr. Murphy will not object—

MR. MURPHY: I will consent, if you tell us, Mr. Cross, that is what it is. It is all right.

THE COURT: If you can stipulate any of these facts it will save time.

MR. MURPHY: Subject to correction, surely.

MR. CROSS: I have offered to stipulate a good many, including a lot of witnesses already gone in.

(Marked Defendant's Exhibit LL.)

Q. Now, Mr. De Lashmutt, at sometime in early 1949 the F.B.I. came to Riggs National Bank and inquired for the records of Alger and Priscilla Hiss, didn't they?

A. Yes.

Q. Do you remember who it was? A. No, I don't.

Q. Do you remember the date? A. No, I do not.

Q. Well, they saw someone at the bank? A. Yes.

Q. Do you know who they saw? A. I am not sure. I can say who I think they saw.

Q. Well, if you are not sure I won't ask it. What [812] did the bank give them? A. What did we give them?

Q. Yes. A. I do not know. I was not there.

Q. Don't you have some records among your bank records as to what you gave the F.B.I.? A. Only in so far as the subpoena would be concerned.

Q. I beg your pardon? A. We gave them what the subpoena covered.

Q. That is, you were subpoenaed months before the first trial to produce certain records of Alger and Priscilla Hiss, is that right? A. I think so, yes.

Q. And would the date on that be about January 31, 1949? Have you got the subpoena there? A. Let me see. I am not sure.

THE COURT: Mr. Murphy, would it be possible to stipulate some of this?

MR. MURPHY: Not that date, no, sir. Some other date perhaps.

THE WITNESS: January 31, 1949.

MR. MURPHY: 1949?

MR. CROSS: Yes, 1949.

MR. MURPHY: I am sorry. I thought he said 1948.

Q. January 31, 1949? A. That is correct.

Q. Does your notation indicate who came? A. This subpoena is addressed to John McCormick, vice-president and cashier of the bank.

[813] Q. And calls for what? A. All the correspondence and all pertinent records, including cashier's checks, Recordak films, and so forth, together with supporting ledger cards of the Alger Hiss account.

Q. Now, what was shown? A. I am not in a position to answer because it was not served on me and I did not get into it until months later.

Q. Is there anything in the record or anything you know in order not to bring anyone else up here to show the F.B.I. were given photostatic copies of the Hiss bank accounts?

A. Oh, I think so, yes.

Q. Both the savings and also the loan account? A. I think so. I can't answer positively everything they got because I do not know.

Q. But they would have been given photostatic copies as early as January 1, 1949? A. When they got them I do not know. This is the date of the subpoena.

Q. May I have the subpoena? A. Sure (handing).

MR. CROSS: Any objection?

MR. MURPHY: None.

(Marked Defendant's Exhibit MM.)

Q. May I make some arrangement with Mr. Murphy, Mr. De Lashmutt, about the photostating of these papers that you left and give the original back to him to be returned to you? A. Certainly. That is perfectly all right.

[814] MR. CROSS: Thank you.

Redirect Examination by Mr. Murphy:

Q. I just wanted to know whether you have the savings account records there which we could photostat and return with the others.

MR. CROSS: The savings account is marked.

MR. MURPHY: I am sorry. I just want to make it clear for myself and the jury, this $300 item in early December showing the deposit ticket and then the entry on the checking account ledger, that that is the way the bank made the loan. In other words, the application for a loan for $300 was made, a deposit ticket was made out and a credit made in the ledger from the checking account.

THE WITNESS: That is correct.

MR. MURPHY: That is all.

MR. CROSS: I am in error, Mr. Murphy. I said we had a photostatic copy of the savings account. This is a photostatic copy of the bankbook.

THE WITNESS: That is the passbook.

MR. MURPHY: It is just as good.

MR. CROSS: No, I think we had better mark the other. Let me see the savings account.

(Witness hands to Mr. Cross.)

MR. CROSS: I offer that as Exhibit NN.

(Marked Defendant's Exhibit NN.)

[815] MR. MURPHY: Thank you very much, Mr. De Lashmutt.

(Witness excused.)

MR. MURPHY: Shall I call another witness or will your Honor take a recess now?

THE COURT: I think we will take a recess, as the jury indicates they would like to have a recess.

(Short recess)

FLORENCE T. STAFFORD, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Miss Stafford, you are employed, are you not, in the Registrar's Office of the University of Maryland?

A. Yes.

Q. And you have an office in Baltimore? A. Yes.

Q. And you are familiar with the subpoena that was served on the University last summer, are you not, calling for certain records? A. Yes.

Q. I show you a letter which is dated May 25, 1937, addressed to Mr. W. M. Hillegeist, Director of Admissions, and ask you whether that letter is from your university files? A. Yes, it is.

Q. Did you at that time, or shortly subsequent to that time, have a student named Priscilla Fansler Hiss?

[816] A. Yes.

Q. And this is from her file, is that right?

A. Yes.

MR. MURPHY: I offer that letter in evidence.

MR. CROSS: No objection.

(Marked Government's Exhibit 34.)

MR. CROSS: I wish to say, in view of what your Honor stated, a lot of this testimony I agreed to stipulate before the trial started.

MR. MURPHY: Mr. Cross has said that repeatedly. I don't like the way he worded the stipulation so I did not accept the stipulation. He gave me the stipulation in writing the day the trial started. I don't see why we have to be continuously plagued with this voluntary statement, your Honor.

Ladies and gentlemen of the jury, this is a typewritten letter addressed to Mr. W. M. Hillegeist, Director of Admissions, University of Maryland, Baltimore, Maryland, and the address 1245 30th Street, N. W., Washington, D. C., dated May 25, 1937 (reading Government's Exhibit 34 to the jury).

Q. Do you have that photograph or did you give that to me before? A. I have one (handing).

Q. This is the photograph of the student that applied with this letter, is that correct? A. Yes.

[817] MR. CROSS: No objection.

MR. MURPHY: I offer that in evidence.

(Marked Government's Exhibit 35.)

(Mr. Murphy hands Government's Exhibit 35 to the jury.)

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Miss Stafford, did you bring some other papers with you? A. Yes, I did.

Q. Did you bring all the file relating to Priscilla Hiss? A. Yes.

Q. Have you her grades? A. Yes.

Q. May I see those? First, tell us, did she enter?

A. Yes.

Q. When? A. She registered June 7, 1937.

Q. And when does your record show that she ceased to attend? At the end of the course? A. Yes. It lasted eight weeks and it started on June 7th. I don't know the exact date—eight weeks from June 7th.

Q. And your record would indicate that she completed the course? A. Yes.

Q. And you have the grades there? A. Yes.

Q. Was it just one subject? A. One subject.

Q. Just give it to us. I won't mark it. A. "B."

Q. And you grade A, B, C, D? A. Yes—next to the [818] highest.

Q. Now, did you have some address in your file for Mrs. Hiss during this time? A. When she registered she gave her home address as Washington, D.C., 1245 30th Street, I believe it is, N.W.

Q. 1245 30th Street, N. W.? A. Yes.

Q. Do you have some other address in your file?

A. Her grade was sent to her at 117 Front Street, Chestertown, Maryland—her mark, her report, to Chestertown, Maryland.

Q. And the number of the street? A. 117 Front Street.

Q. 117 Front Street, Chestertown, Maryland? A. Yes.

Q. And do your records indicate when that grade was mailed? A. I received the mark from the instructor through the dean on about July 31, and I can't say just how soon thereafter I mailed the report.

Q. It would be sometime in August? A. I think so.

Q. August 1937? A. The first part of August, I would think.

Q. And did you send a covering letter? I have just been handed here the report. Is this the report (handing)?

A. This seems to be the original of the carbon I have. It looks like it.

Q. And the envelope? A. I can't identify the envelope because you see it is a window envelope, and we send out [819] thousands of those window envelopes, so it has no name, but the grade report I think is the original of this. The envelope I can't identify.

Q. But you would say you send it out sometime after July 31? A. About the first week in August, I think.

MR. CROSS: Do you object to the envelope?

MR. MURPHY: I think when somebody else identifies the envelope it might be better.

MR. CROSS: Then I will put in the grade.

MR. MURPHY: I have no objection.

(Marked Defendant's Exhibit 00.)

MR. CROSS: Ladies and gentlemen of the jury, this is addressed to Mrs. Priscilla Hiss, 117 Front Street, Chestertown, Maryland. "General Chemistry. 8 semester hours. Grade B."

Q. That was the address given by Mrs. Hiss? A. She probably came in the office. I have nothing to show it, but we sent it there, so I presume she came in and asked us to send it there. You see, I cannot be sure of that.

MR. CROSS: I would like to mark as Defendant's Exhibit 00-1 for identification the envelope.

(Marked Defendant's Exhibit 00-1 for identification.)

Q. I have a photostatic copy here of this original. On your carbon copy have you made some note that does not [819a] appear on the original? A. Oh, that is where I checked on her account, that she does not owe money.

[820] Q. You have the notation "Does not owe money"?

A. We do that before we send out a grade report.

Q. And if they do you don't send it out? A. That is right. We hold it.

MR. CROSS: That is all, thank you.

MR. MURPHY: Thank you, Miss Stafford.

MR. CROSS: Just a second.

BY MR. CROSS:

Q. Do you have an original here of a paper of which I have a photostatic copy that has "Special—Mrs. Priscilla Hiss—Grade B—8—117 Front Street, Chestertown, Maryland"?

A. Yes, I have the original. That is the instructor's grade report. It came to me.

MR. CROSS: I will offer that as Defendant's Exhibit PP.

(Marked Defendant's Exhibit PP.)

MR. CROSS: Thank you very much, Miss Stafford.

(Witness excused)

NICHOLAS A. MESCIA, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Mescia, you are from the general counsel's office, are you, of the Equitable? A. I am.

Q. That is the Equitable Life Assurance Society on [821] Seventh Avenue? A. That is correct.

Q. I show you a typewritten letter and ask you whether that is from your company's files in connection with an assured named Alger Hiss? A. It is.

Q. And it is part of your company's duties to keep records and letters from the assured, people you have contracts with? A. That is correct.

MR. MURPHY: I offer that letter in evidence.

MR. CROSS: No objection.

(Marked Government's Exhibit 36.)

(Mr. Murphy reads Government's Exhibit 36 to the jury.)

MR. MURPHY: Thank you.

Cross Examination by Mr. Cross:

Q. That letter was written for the purpose of securing a small insurance policy? A. A small insurance policy?

Q. Yes. A. I don't know what the purpose of the letter was.

Q. Well, do you know whether that information was checked up and found to be true? A. I know that we relied on the statements contained in that letter and gave appropriate attention to it in reliance upon those statements.

Q. And you have never found out it wasn't true?

[822] A. I have never found out that it wasn't true.

MR. CROSS: Thank you.

Redirect Examination by Mr. Murphy:

Q. Do your records show that you investigated it?

A. We did not investigate it. We relied upon the truthfulness of the statements in the letter.

MR. MURPHY: Thank you very much.

(Witness excused.)

MR. MURPHY: Mr. Price.

FRANKLIN H. PRICE, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Price, you are from Philadelphia, are you not?

A. Yes sir.

Q. You are the librarian for the Free Library, Philadelphia? A. Yes, sir.

Q. Mr. Price, I show you a letter addressed to "Dear Miss Hellings" dated—I am not too sure of the date—some time in 1931, and ask you whether that is from the library files? A. Yes, sir.

MR. MURPHY: I offer that letter.

MR. CROSS: No objection.

(Marked Government's Exhibit 37.)

MR. MURPHY: Do you have any objection to the [823] envelope?

MR. CROSS: If he says that is the envelope.

Q. That is the envelope that the letter was contained in, and it is addressed to Miss Hellings at the library?

A. Yes, sir.

MR. MURPHY: Will you mark that Government's Exhibit 37-A.

(Marked Government's Exhibit 37-A.)

MR. MURPHY: This letter is dated—and I am not too clear whether it is June 12, 1931 or December 6, 1931. It is "6/XII 1931."

Then it says: "Dear Miss Hellings:

"Dr. Peltz, my physician and Dr. Wolfert U. of P. heart specialist have ordered me to 16 hours a day in bed to try and build up my resistance which at present seems to be nil."

Then it goes on to describe the condition of health, and it is signed "Daisy Fansler."

Thank you very much.

MR. CROSS: No cross-examination.

(Witness excused.)

[824] BARBARA C. MORSE, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mrs. Morse, you are employed up at Columbia?

A. Yes, sir.

Q. Did you produce for me some time before the School of Journalism record card for a student Priscilla Hobson?

A. Yes, sir.

Q. I show you this card and ask you whether that is the card that the university kept for that student in connection with her courses? A. That is right.

Q. It is? A. Yes, sir.

MR. MURPHY: I offer it in evidence.

MR. CROSS: No objection.

(Marked Government's Exhibit 38.)

Q. That school has a different corporate name now, hasn't it? Is it still called the School of Journalism?

A. The Graduate School of Journalism.

MR. MURPHY: Ladies and gentlemen, reading from Government's Exhibit 38, which is the journalism record card of Priscilla Hobson, giving the school information on one side, the elementary, high school and college; it shows Bryn Mawr College, 1920 to 1924; [825] Yale University 1924-1925; and then on the other side "Passed test in English, typewriting, January 15, 1927."

You may examine.

MR. CROSS: No cross-examination.

MR. MURPHY: Thank you, Mrs. Morse.

(Witness excused.)

MRS. JAMES DICKEY, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mrs. Dickey, you are a graduate of Bryn Mawr, are you? A. I am.

Q. And were you one of the officers of Bryn Mawr Alumni Association in Washington? A. Yes, I was.

Q. What office did you hold? A. Secretary last year.

Q. Secretary last year, were you? A. Yes.

Q. Do you remember a former officer in the society known as Priscilla Hiss? A. I do not. I was not in the club for too long.

Q. You were not in the club when? A. When she was there I was not a member of the club.

Q. No, but do you know that she was formerly a president of the Washington—

MR. CROSS: We will concede that.

MR. MURPHY: You will concede that?

[826] MR. CROSS: Certainly.

MR. MURPHY: All right. I offer in evidence the president's report for the year 1936-1937 of the Bryn Mawr Alumni Association of Washington, D.C.

(Marked Government's Exhibit 39.)

MR. MURPHY: Ladies and gentlemen, it is merely a typewritten report from the retiring president to the fellow alumni of the society, and the subject matter is not of interest. We will come to it again when we have other witnesses.

No further questions.

MR. CROSS: No cross-examination.

MR. MURPHY: Thank you, Mrs. Dickey.

MR. CROSS: Just a moment. The date appears on the exhibit itself, doesn't it?

MR. MURPHY: No, it does not. I understand—

MR. CROSS: Then I think we ought to stipulate that it is for the year—

MR. MURPHY: It says President's Report for the year 1936-1937, but I understand we can stipulate from the last trial that it was May some time in 1937.

MR. CROSS: Some time in 1937?

MR. MURPHY: I understand it is May 31.

MR. CROSS: May 31.

MR. MURPHY: It is stipulated that the report [827] was given on May 31, 1937.

Thank you, Mrs. Dickey.

(Witness excused.)

DONALD T. APPELL, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Appell, in December 1948 were you an investigator with the House Committee on Un-American Activities?

A. I was.

Q. And did you on that day receive instructions to accompany Mr. Chambers? A. I did, sir.

Q. Were you told that he had already been served with a subpoena? A. Yes, sir.

Q. Where did you accompany Mr. Chambers from and to?

A. From the Committee's office in Washington, D. C. to his residence in Westminster, Maryland.

Q. And what time did you meet Mr. Chambers and when did you arrive at his farm? A. Well, I would judge that we left the office in Washington somewhere around 6:30.

Q. In the evening? A. In the evening. It might have been a little later, a quarter to seven. We stopped en route at the Hendrix Restaurant and had dinner, and we arrived at the farm in Westminster at approximately 10:30.

[828] Q. When you say "we" who was with you?

A. William A. Wheeler, another investigator of the Committee on Un-American Activities.

Q. And Mr. Chambers? A. Yes, sir.

Q. What day was that, do you remember? A. It was on December 2nd.

Q. 1948? A. Yes, sir.

Q. Now, will you tell the Court and jury what you did, what Mr. Chambers did when you got to the farm?

A. When we arrived at the farm—and I might put in here that Mr. Chambers accompanied me only to Baltimore. Mr. Chambers' car was in Baltimore. He drove from Baltimore to Westminster in his own car.

Q. Then you followed in tandem? A. We met him at Westminster and the two cars proceeded to his farm.

Q. In other words, you met in the little city of Westminster and then went one behind the other out to the farm? A. That is right, we followed him.

Q. And when you got to the farm will you tell us what you did? A. We both parked our cars by a barn at the rear of the Chambers residence, proceeded down towards the house along a footpath. When we got almost to the house Mr. Chambers walked to the left into grass,

trees there; it was dark; he could not see where he was walking to; immediately came out, and we went into the [829] Chambers residence. Mr. Chambers looked for a flashlight or something and found one, but it didn't work. In the back there was a light, on the back porch, and he lit that, and we walked out to what was a pumpkin patch. Mr. Chambers felt around, as I remember, I think two pumpkins, and then he picked up a pumpkin, removed the top from it and said, "This is what you are after," and we reached into it and removed three cylinders and film which was in wax paper.

Q. In other words, you received five objects, three were in cylinders and two— A. There were just four objects.

Q. I see. A. There were five rolls of film altogether, three in containers and two rolls of film were wrapped one in another, wrapped in wax paper.

Q. We are interested in the film that was developed. How many were there of those? A. There were two rolls in one.

Q. And you took those, did you? A. Yes, sir, and returned them to Washington and stopped en route—

Q. After you received them you say you stopped en route, you and the other investigator? A. Yes, sir, Mr. Wheeler.

Q. Mr. Wheeler? A. Yes.

Q. And did you mark them so that you could remember [830] having received them? A. We stopped at the first place that was available to us, and it was at a restaurant in Westminster. We went in there and we marked the two rolls of developed film, and also the three cylinders which contained film in undeveloped state.

Q. We are primarily interested in these two strips of film. That is the condition they were in when you found them, just two developed strips, is that right?

A. Yes.

Q. I show you these now. They are Government's Exhibits 11 and 12 in this trial. Can you see whether you can find your mark on either one so we can be sure we

have the right two strips? A. This is my mark, the initial "T".

Q. All right. And is it on the other too?

A. I have not looked yet. (Examining.) My mark is also on that.

Q. And then you returned to Washington and gave them to whom? A. I turned them over to Mr. Stripling the following morning. I took them to my residence that night.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Were you told by Mr. Stripling the day that you went out there that you were to go? A. Yes, I was first [831] told by Mr. Stripling that I was to accompany him there. As it turned out later those instructions were changed and Mr. Wheeler was to accompany me.

Q. About what time was that? A. I was told that by Mr. Stripling at approximately 4, 4:30 in the afternoon. Early in the afternoon.

Q. Early in the afternoon? A. Yes.

Q. What day was that? A. December 2.

Q. December 2, 1948? A. Yes.

Q. And you said that you left at about 6:30?

A. Around 6:30, yes, sir.

Q. And you got out to Westminster at 10:30?

A. Approximately, yes, sir.

Q. How far is it? A. I would say altogether 65 or 70 miles.

Q. Where was it you say you had dinner?

A. At a place called Hendrix in Washington.

Q. Well, Mr. Chambers was with you there? A. Yes, sir.

Q. And then you dropped him off in Baltimore?

A. At the Pennsylvania Station.

Q. And then rejoined him in Westminster?

A. Yes, on a fork leading out of Westminster towards the Chambers residence.

Q. And when you drove down in your car did you drive down to the house? A. To a barn which is ap-

proximately [832] 150, 200 feet from the rear of the residence.

Q. And then you started toward the house?

A. Then we walked from where we parked the cars to the house.

Q. I didn't quite understand about Mr. Chambers before getting to the house stepping out in a dark spot or something.

A. Well, he stepped off of the path and then stepped back. I don't know what Mr. Chambers did, I did not ask him. But he wasn't away from us off of this path any more than 15, 20 seconds.

Q. But you remembered that incident afterwards and now very distinctly, don't you? A. I have remembered it since—

Q. I know you have, I don't question it, but I mean it was something that you remember from that time?

A. Surely.

Q. Did you tell Mr. Stripling about that—I assume—along with all the other things you did?

A. I don't recall exactly what I told Mr. Stripling about that.

Q. At any rate, when you went in the house you were only there a short time? A. Yes, sir.

Q. And then you went out to the pumpkin patch?

A. Yes.

Q. How far was that from the house? A. At tops, [833] 50 feet.

Q. How large is the pumpkin patch? A. I would say 20, 25 pumpkins.

Q. How many vines? A. That I wouldn't know, sir.

Q. 20, 25 pumpkins, and he picked up two before he got the right one? A. No, he touched them. He did not move them from the ground.

Q. Now, the one that he finally took the top off of, did it have some kind of a design? A. I don't have that recollection of it.

Q. Beg your pardon? A. I say I don't have that recollection of it.

Q. Are you sure of that, Mr. Appell? A. I don't know exactly what you mean by design. The pumpkins were all in rows, planted in rows.

Q. Well, let me call your attention to your testimony at the first trial and see if this refreshes your memory. I am referring to page 692:

"Q. I see. Now, were the pumpkins arranged in the form of any design? A. Well, I gathered the impression that they were.

"Q. That they were? A. Yes."

A. Well, the only thing that I could be referring to then is the fact that they were planted in rows.

Q. That is, a number of vines planted in rows?

[834] A. Well, there was a patch of pumpkins. I don't know how I can describe it to you here.

Q. Well, I just read that and wondered what you meant by design, that you gathered that impression.

A. Well, the pumpkins were in rows.

Q. Well, when you say the pumpkins were in rows, you mean the different pumpkin plants were planted in parallel rows? A. I guess so. Pumpkins were growing from those vines.

Q. Now, the third pumpkin Mr. Chambers pulled the top off?

MR. MURPHY: I don't think there is testimony about the third pumpkin, your Honor. It seems to me the witness said that he touched two—

MR. CROSS: Well, I will put it this way:

Q. The third pumpkin in the pumpkin patch that Mr. Chambers touched was what color? A. They were all green.

Q. All green? A. Yes.

Q. And were they all still on the vine? A. Well, I will assume they were, I don't know. At least the two he touched appeared to me to be on the vine.

Q. How about the other? A. The other was off the vine.

Q. Off the vine? A. Yes.

Q. And then he opened it up? How did he open it up? A. By pulling the top off of it.

Q. Had it been cut? A. It had been hollowed out.

[835] Q. And the part that had been cut had been placed back so it looked as though it had not been cut?

A. Well, that would probably be the general impression; that it had not been.

Q. And then you took out, not Mr. Chambers, the things that were inside? A. That is right.

Q. After he said, "Here is what you are looking for"?

A. That is right.

Q. And Exhibits 11 and 12, as I recall your testimony, Mr. Appell, were in one container? A. That is right. Were not in a container. They were rolled together and wrapped in waxpaper. Only the undeveloped film were in containers.

Q. The two that were wrapped up in waxpaper, did they have any kind of binding on it? A. I don't believe so, no, sir.

Q. Well, how did it hold together? A. By wrapping the waxpaper around and pushing it in between the rolls.

Q. They were both wrapped in one? A. Yes, sir. I can illustrate how they were if you would like me to do that.

Q. I don't mean to take the time (handing rolls to witness). A. I also have to have—that is the way they were (demonstrating).

Q. That is the two rolled into one roll? A. That is right.

Q. And then wrapped? A. With waxpaper around there and [836] the waxpaper was pushed in like this (demonstrating), in order to keep it from unwrapping.

Q. Then the three undeveloped films—did you at sometime find out they were undeveloped? A. Well, they were in sealed containers.

Q. I mean, you do not know anything about what condition they were in? A. Well, I took them to the Veterans Administration the following day to have them developed.

Q. And they had been light-struck? A. Only one roll.

Q. They were developed the following day? A. Yes, sir, the two rolls that could be.

Q. What kind of metal containers were they in?

A. They were in aluminum regular film containers, the kind you store 35-millimeter film in.

Q. Was one of them open? A. The top had been mashed on one.

Q. That is the one that was light-struck? A. Yes, sir.

MR. CROSS: Thank you.

Redirect Examination by Mr. Murphy:

Q. So there will be no dispute, these yellow containers we have been using, they are not part of what you found at all? A. They are not.

Q. You just found the Exhibits 11 and 12, two strips of film, rolled in one? A. That is right.

[837] Q. And it was at night? A. That is right, sir.

MR. MURPHY: Thank you, Mr. Appell.

(Witness excused.)

LLOYD STOKER, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Stoker, you are from the Schmidt Motor Car Company in Randallstown, Maryland? A. Yes, sir.

Q. And did you bring your company's records with you?

A. I did.

Q. Was it the practice of your company to keep a record of cars that you sold? A. Yes, sir.

Q. Did you have a Ford agency there or did you sell any kind of cars? A. Ford agency.

Q. Going back now to 1937, would you look at page 386 of your ledger and tell me whether or not your company had a transaction with Esther Chambers of 2124

Mount Royal Avenue? A. That is correct. I have the page open.

Q. And what did your company records indicate the transaction was and when it was? A. On the 23rd day of November 1937, sold to Esther Chambers, 2124 Mount Royal Avenue—

Q. Where is that? A. Baltimore, Maryland.—"telephone number Lafayette 1239, one 1937 Deluxe Ford four-door sedan."

[838] Q. How much was that? A. $800.

Q. $800 even? A. Yes, sir.

Q. Did you receive all cash for that? A. No, sir. We traded a 1934 Ford sedan for $325.

Q. You mean you traded—you were given a 1934 Ford sedan and you credited $325 against the purchase price?

A. That is correct.

Q. And did you receive it in cash or check? A. We received cash for the balance of $486.75.

Q. The few extra dollars were made up how? A. In the title and transfer and a 1 per cent sales tax.

Q. So there was about $11.75 extra over and above the purchase price? A. That is correct.

Q. Would you look at this photostat and see whether that fairly reflects that part of the page of your book that you are reading from (handing)? A. It looks like an exact copy.

MR. MURPHY: Thank you. I offer the photostat in evidence.

MR. CROSS: This is objected to unless it contains a copy of all that appears in his book with reference to the transaction.

MR. MURPHY: I asked the question whether it fairly reflected the transaction he now described.

Q. Is that correct? A. That is correct. That copy takes care of the entire transaction.

[839] MR. CROSS: No objection.

(Marked Government's Exhibit 40.)

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Then the purchase price, including all sales and the transfer tax, was $811.75? A. That is correct.

Q. And the allowance on the old car was $325?

A. That is correct.

Q. And is that described here—the kind of car it was?

A. Yes, sir.

Q. "Trade-in 1934 Ford sedan 18-1011772." Now, the total amount paid by cash was $486.75? A. That is correct.

Q. Did the F.B.I. come around and look at your records at sometime? A. Yes, sir.

Q. When, first? A. Well, I don't—I can't give the exact date but it was sometime, I think, near May of this year.

MR. MURPHY: 1949?

THE WITNESS: 1949. Sometime in May.

Q. Sometime in May of 1949? A. Yes, sir.

Q. Have you any way of fixing it more definitely?

A. I am afraid not. I did not pay too much attention to the date.

Q. Now, at that time did you turn over your books to them? A. No, sir.

[840] Q. Well, were there copies made from those records?

A. Not at that time, no, sir.

Q. When were the copies made? A. At the first trial in June. The Court made a record at that time.

Q. When was this photostatic copy made, if you know?

A. It was made on June 9, 1949. Our book is so marked.

Q. And the records, though, had been seen before the first trial by the F. B. I.? A. Just at that time to verify that we had the record. That is correct.

Q. Well, they saw the account, didn't they?

A. Yes, sir.

Q. Now, Mr. Stoker, at the first trial, which was on June 9, 1949, and you testified June 9, 1949—is that your memory? A. That is correct.

Q. Do you remember being asked about when the F. B. I. got this information—on June 9, 1949? I will ask you whether you were asked this question on June 9, 1949:

"Q. When did you first give the information that you furnished us here to any representative of the Government?

"A. This is only approximate. As I recall it, it was two or three months ago a representative of the F. B. I. called on me.

"Q. Do you remember the name of the gentleman of the F. B. I. who called on you two or three months ago to ascertain [841] the record? A. I think I do. I don't remember his initials, but I think his name was Johnson."

Now, on June 9, 1949 you testified that you thought it was two or three months before June 9th that the F. B. I. representative called on you, didn't you?

A. That is correct.

Q. Was that true? A. Well, I told you at that time that was only approximate—

THE COURT: Let him answer, Mr. Cross.

Q. Go ahead. If you have not finished. A. I don't know the exact date. I could not remember the month. I told you a few minutes ago it was probably in May. I am not too sure when it was. It was prior, I would say, at least 30 days prior to the time I came to New York but I don't remember just what time.

Q. Were you served with a subpoena? A. Yes, by mail.

Q. No, I mean at that time when they looked at your books. A. No, sir.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. Mr. Stoker, I just want two things clear: You are telling us your best recollection of when the agents saw you? A. That is correct.

Q. And the last time you were here you gave us your best recollection then? A. That is correct.

[842] Q. And when you told Mr. Cross this photostat was taken, it was taken the very day you were in court?

A. That is right.

MR. MURPHY: Thank you very much.

(Witness excused.)

EDWARD H. TOULOUKIAN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Touloukian, you are in the rug importing business, are you? A. Yes, sir.

Q. I think the name of your concern, at least back in 1936, was the Massachusetts Importing Company? A. That is right.

Q. Is it the same name still? A. It still is, yes, today.

Q. Do you remember a transaction you had back on December 23, 1936 with a man known as E. Shoen? A. Yes.

Q. I have here what appears to be some memorandum from your company and I show it to you and ask you whether that is a record of your company that your company keeps in connection with the sale of rugs? A. It is a record. It is our record.

Q. And it is your practice to keep these records; that is, you give one to the customer and one for yourself?

[843] A. That is right.

Q. And who is Mr. Shoen? A. A decorator.

Q. Was your transaction really with him or was he acting for somebody else? A. I think he was acting for Dr. Schapiro.

Q. In other words, he got them a little cheaper than Dr. Schapiro would have? A. That is right. We would not have sold to Dr. Schapiro.

Q. Now, what did you sell? A. According to this record there were four carpets sold.

Q. And were they orientals? A. Yes, they are handmade oriental rugs.

Q. And what was the approximate size of each?

A. 12.2 x 7.9; 11.9 x 7.8; 11.6 x 7.3 and 11.6 by 7.10.

Q. In other words, this kind of rug does not come in exact sizes; do they? A. No, they do not.

Q. And how much did you sell them for? A. According to the record, these four carpets amount to 357.10 square feet. The selling price was at $2.50 per square foot.

Q. And that came to a total of— A. $894.60 with a trade discount of 2 per cent, $17.89, leaving a balance of $876.71.

Q. And were you paid that balance? A. It was paid by check, $600, and cash amounting to $276.71.

Q. And do you know where the rugs were delivered?

[844] A. Yes. Later the rugs were delivered to Dr. Schapiro's residence.

Q. I show you another slip from your company. Would that tend to help you recall when or where the rugs were delivered? A. According to this receipt the rugs were delivered on December 29, 1936 to Dr. Meyer Schapiro, 279 West 4th Street, by a trucking concern under the name Massis Express.

Q. And then you have the receipt? A. Receipt, yes, with the notation that "The above is delivered to you as per letter of Eugene Shoen & Son."

MR. MURPHY: I offer both of those slips.

MR. CROSS: No objection.

(Marked Government's Exhibits 41 and 42)

MR. MURPHY: Ladies and gentlemen of the jury, I won't read these. I think the witness has described what they both are. They are here if anyone wants to look at them.

You may examine.

MR. CROSS: Just one question.

Cross Examination by Mr. Cross:

Q. One of these exhibits, Government's Exhibit 42, says, "The above is delivered to you as per letter of Eugene Shoen." Do you have that letter? A. I do not have it, no, sir.

[845] Q. Do you know what happened to it? A. I do not know. It probably got lost in the files. The files were thrown away. That is quite a number of years back.

Q. Yes, I know, but the sale— A. This was from a book. This was taken out from a book.

Q. Did you handle this personally? A. I must have, yes. It is my handwriting on it.

Q. Do you remember what was the substance of the letter? A. Please deliver the rugs purchased, or something to that effect. Otherwise we would not have delivered it because the bills are accounted to the company Eugene Shoen. It is not made to Schapiro.

Q. You think that the letter gave you a direction where to deliver? A. Instructions, yes, sir.

MR. CROSS: Thank you. No further questions.

Redirect Examination by Mr. Murphy:

Q. The reason you say that is because of the note on the bottom on the delivery? A. Yes, sir.

Q. And because the name of Dr. Schapiro was on the delivery receipt? A. That is right.

MR. MURPHY: Thank you very much.
(Witness excused.)

[846] EDITH BOND STEARNS, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Miss Stearns, you are the owner of Stearns Farm near Peterboro, New Hampshire, are you? A. Yes, sir.

Q. And I think too you also are the director of the Peterboro Players? A. The manager.

Q. And that is a dramatic group that puts on summer productions? A. Yes.

Q. Do you recall whether or not you had a production in the summer of 1937 called "She Stoops To Conquer"?

A. Yes, we did, on August 10th through August 15th.

MR. MURPHY: You may examine.

MR. CROSS: I will be glad to examine now, but I will run probably five minutes.

THE COURT: I think you ought to let this lady get away if it means five minutes.

You would like to get away?

THE WITNESS: Yes.

THE COURT: Let us do it.

Cross Examination by Mr. Cross:

Q. Now, Miss Stearns, you advertised the summer performances up there in 1937, didn't you? A. Yes.

Q. And that included notices that appeared in the New [847] York Times, did it not? A. I imagine so.

Q. I show you photostatic copy of the New York Times of August 8, 1937. You knew about that appearing about your Peterboro performance? A. Yes, I see.

Q. That is under date of August 8, 1937? A. Well, I have got one here that advertised it. I know we did it. We opened Tuesday, August 10th, and we played through Sunday, August 15th.

Q. I appreciate that, Miss Stearns, but the notices of your performance in Peterboro appeared in the New York Times, didn't it—the Sunday Times? A. Well, I do not know. I suppose. It does sometimes and sometimes it does not. I don't remember seeing this before but I imagine it was in.

Q. Do you send them literature? A. Well, our publicity man sends them every week the plays we are doing.

Q. And you have a publicity man in New York? A. No, in Peterboro.

Q. And you send to various papers what you are doing?

A. Yes.

Q. Including the New York Times? A. What is the date of this?

Q. That is August 8th. A. Well, they list them on Sunday, but we opened on Tuesday night.

Q. Yes, I know the notice there says Tuesday. A. That is right. We opened Tuesday night and played through Sunday [848] night. We usually only play through Saturday, but that play was so popular we put on an extra performance.

MR. MURPHY: I have no objection. I thought it was a paid advertisement.

THE WITNESS: No. That is not a paid advertisement.

MR. CROSS: Something you got for good relationship?

THE WITNESS: Yes.

(Marked Defendant's Exhibit QQ)

MR. CROSS: Ladies and gentlemen of the jury, Defendant's Exhibit QQ is a photostatic copy of the New York Times, Sunday, August 8, 1937, and it gives by States certain performances under the heading "Summer Theatres Have The Honor To Offer This Week End" and "New Hampshire: She Stoops To Conquer. Peterboro. Tuesday."

Q. And it did start Tuesday, August 10th?

A. That is right.

Q. And it ran through Sunday? A. Sunday, the 15th.

Q. And it had been there in July, hadn't it, for a couple of weeks? A. Not that play.

Q. This is the only time it ran—five days in August?

A. Yes.

Q. Now, at sometime were you visited by the F. B. I.?

A. What?

[849] Q. Were you seen by the F. B. I. representatives?

A. Yes.

Q. When was that? A. I think they commenced to

see me in April and I think they came again in May here in New York.

Q. They saw you in Peterboro? A. No, they came to see me in New York. I think the first time they came was in April. It may have been the end of March. I don't remember.

Q. Of 1949? A. Yes.

Q. They asked you about this play? A. Yes.

Q. And did you see Mr. Chambers? A. No.

Q. Just the F. B. I., and how many times did you see them?

A. Well, the first time two men came and then one of them came back I think two or three times.

MR. CROSS: Thank you, Miss Stearns.

Redirect Examination by Mr. Murphy:

Q. Just a few questions: This was the only time you put that production on that summer? A. Yes.

Q. And as far as paid advertisements were concerned you advertised in the Peterboro Transcript, did you not?

A. Yes.

Q. And the one in the New York Times was not a paid advertisement? A. No.

Q. I will just have to identify this. Is that the [850] Peterboro Transcript for August 12, 1937? A. Yes.

Q. And this one for August 5, 1937, and that is the newspaper, if the advertisement appears, which it would be in, is that right? A. That is right.

Q. Isn't that it here (indicating)? A. Yes.

MR. CROSS: If you want to read it into the record—

MR. MURPHY: No. We will offer the whole thing as one exhibit. No further questions.

(Marked Government's Exhibit 43)

(Witness excused.)

THE COURT: We will take our recess now until half-past two.

(Recess to 2:30 p. m.)

[851] Afternoon Session

MEYER SCHAPIRO, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Professor, you are a professor at Columbia, are you not? A. Yes, at Columbia.

Q. What do you teach? A. In the Department of Fine Arts and Archeology.

Q. You went to Columbia with Whittaker Chambers, did you? A. Yes, we were students together in the same class.

Q. I think you lived on West 4th Street?

A. Yes, sir.

Q. Do you still live there? A. Yes, sir.

Q. Have you had occasion to rent your house to Mr. Chambers and his family? A. Yes, in the summer of 1935.

Q. And did Mr. Chambers pay any rent? A. Yes, he did.

Q. Do you know what the rent was? A. Oh, I could not give you an exact figure, it is so long ago.

Q. Well, did there come a time, Professor, in 1936 when you bought some rugs? A. Yes, sir.

Q. At whose request did you buy the rugs?

A. At Mr. Chambers'.

Q. From whom did you buy them? A. From the Massachusetts Importing Company.

[852] Q. And did you buy them from that concern through a decorator? A. Yes, a decorator friend introduced me to the people.

Q. Would you remember the decorator friend's name?

A. Eugene Schoen.

Q. And how many rugs did you buy? A. Four.

Q. Were they orientals? A. Orientals, yes.

Q. What money did you use? A. A check of $600 and an additional sum of about $200 to $250, I forget the exact amount.

Q. Where did you get that money? A. Mr. Chambers gave me the money.

Q. The check that he used, was it your check?

A. My check, yes.

Q. In other words, the money was received by you, put into your account and you drew a check against it?

A. Exactly.

Q. I show you a check dated December 23, 1936, payable to the Massachusetts Importing Company, for $600 and ask you whether that is the check?

A. Yes, sir, that is the check.

Q. Do you know whether or not the rugs were subsequently received? A. Yes, the rugs were delivered to my house and then sent down to Washington.

Q. Would you recognize the signature of your wife [853] on a delivery receipt? A. I would, yes.

Q. I show you a delivery receipt and ask you whether that is Mrs. Schapiro's signature? A. Yes, that is.

MR. MURPHY: I offer both the check and the receipt in evidence.

MR. CROSS: No objection.

MR. MURPHY: Mr. Toner, would you mark the receipt 42-A and the check 44.

(Marked Government's Exhibits 42-A and 44)

Q. Professor, I call your attention to the fact that the delivery receipt is dated December 29, 1936. Can you recall when the rugs were shipped to Washington by you or Mrs. Schapiro? A. Well, within a short time, but I could not fix the date or the interval of time.

Q. Where did you send them in Washington?

A. To an address in Washington that had been given to me by Mr. Chambers.

Q. Do you remember the name? A. Only the first part of it. It was a name which began with Silver, but I have since come upon the name in the newspapers.

Q. And did that refresh your recollection?

A. I knew it was Silver before that, and the news-

papers named Silverman as a man to whom Chambers had given the rugs.

Q. That is the man to whom you sent them? A. Yes.

[854] Q. Now, you have been interviewed by Mr. Rosenwald, have you? A. Yes.

Q. That is the gentleman sitting next to Mr. Cross? A. Yes.

Q. Did he ask you what the meaning of the title of a poem was, a sort of German title? A. Yes, he did.

Q. There has been introduced in evidence here as Defendant's Exhibit R, I think, a poem—if I pronounce the name correctly—called Tandaradei.

A. Tandaradei.

Q. Do you recall being asked by Mr. Rosenwald what that meant? A. Yes, sir.

Q. And what did you tell him or what did he say to you? A. He suggested to me that it was a combination of a Greek and a Latin word, "tandara" and "dei", and it had some blasphemous implication with respect to the content of the poem, and I suggested to him that it sounded German to me. Subsequently I learned that it was the title of a poem by Walter von der Vogelweide.

Q. And it is a German word? A. Yes, sir.

Q. And what does it mean? A. Well, I do not know of a precise English equivalent. It means a sort of playful gaiety.

MR. MURPHY: You may examine.

MR. CROSS: No questions.

MR. MURPHY: Thank you, Professor.

(Witness excused.)

[855] NATHAN L. LEVINE, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Levine, you are an attorney admitted to practice in the courts of the State of New York, are you?

A. Yes, sir.

Q. And how long have you been? A. Since 1933.

Q. You testified at the last trial, did you not—last June? A. I did.

Q. Have you had an opportunity to read your testimony since that time? A. No, sir.

Q. You have not? A. I have not.

Q. I don't believe you saw me either, did you?

A. No, I did not.

Q. Are you related to Mr. Chambers? A. I am related to his wife. His wife is my mother's sister. He is an uncle by marriage.

Q. And back in 1938 where were you living, Mr. Levine?

A. With my mother and father at 260 Rochester Avenue, Brooklyn, New York.

Q. And at that time did you receive an envelope from Mr. Chambers? A. I did.

Q. And did you put it away? A. Yes.

Q. And you put it away for safekeeping at his request?

[856] A. That is right.

Q. Do you remember where you put it? A. Yes. At that time I was living at 260 Rochester Avenue, and I put it on top of the linen closet, which was built into the dumbwaiter shaft on the second floor of 260 Rochester Avenue.

Q. In other words, the closet was where the dumbwaiter shaft used to be? A. That is right, a linen closet was built into it.

Q. Did you put it in there to secrete it or hide it?

A. No, sir, just a safe place, away from prying hands.

Q. When again did you see that envelope? A. October of last year.

Q. And what was the occasion? A. Mr. Chambers came to my home, 960 Sterling Place, Brooklyn, New York. We later went to 260 Rochester Avenue and I took the package and gave it to him.

Q. Will you describe to the jury what you did and he did in getting this package? A. I left with him from my home, took my car—

Q. I mean at 260 Rochester Avenue—what happened there?

A.. We got into the house. My nephew came up from the cellar. I introduced him to my nephew. I took off my hat and coat and put it on the hanger in the hallway. We then went upstairs and I went into the bathroom and got [857] up on the ledge or the window and went behind the linen closet and took the package or the envelope which was laden with dust. I then gave it to him and part of that filth went on the tub and on the floor and he went into the kitchen. A little later I followed him. I think I helped him push back the tablecloth off the table and then I picked a dustpan and possibly a brush or some rags and I went back into the bathroom and started to clean up the filth or the dirt—the dust, rather. Then I went back into the kitchen and he spoke to me at the time.

Q. And then did you take him to the station, I think?

A. Well, a little later I took him to the station in my car.

Q. I show you Government's Exhibit 19 and ask you whether that looks like the envelope that you had in that dumbwaiter shaft? A. Yes, sir.

Q. Is that the part that was covered with dust, this top part here (indicating)? A. Well, this was much filthier, of course, and this was sealed.

Q. It was a sealed envelope? A. Yes, certainly.

Q. You had never looked inside of it? A. Of course not.

Q. How far away, in feet, would the kitchen be from this bathroom, approximately? A. From the bathroom entrance? 7 to 10 feet.

[858] MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Mr. Schapiro— A. Mr. Levine.

Q. Mr. Levine, I am sorry. I am one behind. You gave us the date of October of last year. It has appeared here in evidence that it was on a Sunday. Does that accord with your memory? A. Oh, certainly.

Q. And would it also accord with your memory that it was on November 14, 1948? A. Oh, it is November. I am awfully sorry. November 14.

Q. November 14, 1948? A. Yes.

Q. Now, you were living at the time at what address?

A. At the time he gave me the package you are referring to?

Q. No. November 14, 1948. A. 960 Sterling Place.

Q. Did Mr. Chambers come there first? A. Yes.

Q. What time of day did he arrive? A. Around 1.30 or 2 o'clock—around that time.

Q. Did he stay some time before you went to your mother's house? A. Oh yes, several hours. We gave him something to eat and I had the family over at the time and we engaged in conversation with the family.

Q. During your conversation did he have some talk with you in which he told you that some depositions were being taken in Baltimore? A. That is right.

[859] Q. And ask you some questions about procedure in taking depositions? A. He asked me. That is right.

Q. How long would you say that conversation lasted with reference to the taking of depositions in Baltimore?

A. 15 to 20 minutes. Part of it might have been interrupted by other members coming into the kitchenette.

Q. About what time was it you left to go over to 260 Rochester Avenue? A. Approximately 4 o'clock, I would think.

Q. Now, neither when the envelope was given to you in 1938 nor on November 14, 1948, did you ever see the contents of the envelope? Did you? A. That is right.

Q. When did you first meet Whittaker Chambers?

A. When?

Q. When? A. I think shortly before he was married. That is about 18 or 20 years ago, I guess.

Q. Well, if it has appeared that he was married in 1931, with that date in mind can you tell us how soon before that it was that you first met him? A. It might have been within a year.

Q. And after that up until 1938 did you see him on various occasions? A. Sometimes.

Q. Well, did you see him socially during that time?

A. Yes, I think I went to a gym with him on one or two occasions. I had dinner with him on several occasions.

[860] I believe he was at my mother's home, my dad's home, on one or two occasions. I went out with him I believe to a show.

Q. Well, you would describe your meetings during that time as social meetings? A. Oh yes.

Q. No business relations? A. Oh no. I do believe—

Q. I am sorry. A. I do believe, though, at one time I did handle a legal matter for him of some minor importance.

Q. At some time did he live at your mother's home?

A. Yes. Either in 1936 or in 1937 he occupied for several months, I think, a hall bedroom in mother's house and he came there on occasion. We did not see him too often.

Q. But for several months he had this hall bedroom that he came to whenever he chose? A. That is right.

Q. And he left books and other things there? A. That is right.

Q. And during that time what did you know about him with reference to any business activities or any activities that he was engaged in? A. Well, he was a translator of books.

Q. A translator of books? A. Yes.

Q. So that from the time when you first met him in 1930 or 1931 up until 1938 the only thing you knew about his activities was that he was a translator of books?

[861] MR. MURPHY: About his business activities, I think the question was.

THE WITNESS: That is right.

Q. I had so intended my question and I will be glad to add that to my question, Mr. Levine. So far as any business activities from 1930 or 1931 up until 1938, during the period that you had these social meetings with him, you only knew him as a translator of books?

A. That is right. I have some faint recollection of something about a bookkeeper, but I am not sure of that. I may be wrong on that. He might have been a bookkeeper.

Q. An accountant? A. It might have been. It is just the thought. I cannot be sure of it. I would say mainly I knew him as a man who translated books.

Q. You testified sometime in December 1948 before the House Committee? A. Oh yes.

Q. And at that time there were certain questions that were asked you with reference to your contacts with Mr. Chambers? A. In both sessions, yes. There were two sessions.

Q. I only have one here. A. One is the executive session and one the public session.

Q. Now I have only the public session. Did you ever hear him mention the name of Alger Hiss or Donald Hiss at any time? A. In 1938?

[862] Q. Yes. A. No, sir.

Q. Or at any time up to 1938? A. No, sir. Never heard it.

Q. Did he ever expound his Communistic theories of government to you, or discuss any political form of government with you? A. No, sir.

Q. Would it be fair to say, Mr. Levine, that up to that time you had no indication at all to indicate to you that he was a member of the Communist Party or a Communist functionary? A. That is true.

MR. CROSS: That is all.

MR. MURPHY: Thank you, Mr. Levine.

(Witness excused.)

[863] JOHN J. WALSH, called as a witnes on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Walsh, you are a special agent of the FBI are you not? A. Yes, sir.

Q. Attached to the Washington field office?

A. Yes, sir, that is correct.

Q. Do you recall when you met Mr. Chambers for the first time? A. Yes, sir.

Q. When was that? A. Mr. Chambers came to Washington on February 1st of this year.

Q. And did you take an automobile trip with him that day or the next? A. The following day.

Q. Now, on February 2 in this automobile besides yourself and Mr. Chambers who was there?

A. There were two agents of the Bureau besides myself and Mr. Chambers.

Q. Do you remember their names? A. Mr. Plant from the New York office and Mr. Taylor from the Washington office.

Q. Do you remember whether Mr. Chambers sat in the front or in the rear? A. Mr. Chambers was in the rear of the car with Mr. Plant and I drove the car, and Mr. Taylor was in the front seat with me.

[864] Q. Where did you start from in this automobile?

A. We left from the Department of Justice Building in Washington, D. C.

Q. That is in downtown Washington, is that right?

A. That is right, 9th and Pennsylvania.

Q. And where did you go? A. I drove the car to the Georgetown section of Washington.

Q. Now when you got to the Georgetown section of Washington will you tell us what you did with the car and what Mr. Chambers did, if anything?

A. We approached the Georgetown section on P Street, driving west on P Street, and when we came to the 2900 block of P Street Mr. Chambers pointed out a house to me and I stopped the car.

Q. Did everybody get out? A. No.

Q. Well, when you stopped the car what happened?

A. I had in the front seat with me a number of pictures, and I looked at the house and looked at the pictures, and gave the pictures of this house to Mr. Chambers, and he signed his name on the back of the pictures.

Q. Had you shown him the pictures beforehand?

A. No, I had not.

Q. Had not shown him any? A. None.

Q. To your knowledge had anybody shown him the pictures? A. No.

[865] Q. Then where did you go? A. We continued driving west to Wisconsin Avenue and then west on Volta Place.

Q. Were you receiving directions from Mr. Chambers as to where to go? A. No. I drove to Volta Place, which

was a matter of several blocks there, and as we came in the vicinity of the 3400 block of Volta Place Mr. Chambers again pointed out a house to me, and I again stopped the car.

Q. And you took one of the pictures and compared it with the house and then had him sign it? A. I followed the same procedure; I gave him the pictures of the house.

Q. And where next? A. We then drove to O Street, and we drove past an address on O Street in the 3400 block of O Street. We drove around the block twice. Mr. Chambers did not point out any house to me in that block.

Q. Then where did you go? A. We drove from there to 30th Street, and I drove up and down 30th Street—that is, down once and back once—and Mr. Chambers pointed out a house to me again there, and I gave him the photographs, and we followed the same procedure there as we had with the other houses.

Q. How many blocks, just for approximation, would 30th Street run north and south? A. Well, I couldn't say that. It is a north and south street, some distance.

Q. About 15 blocks anyway? A. Yes.

[866] Q. And after that what happened? A. From there we left the Georgetown section and drove to the northwest section of Washington to 28th Street where Mr. Chambers pointed out an apartment building. Now I again gave the photographs which I had in the front seat of the building and he signed his name to the photographs.

Q. Would it be fair to say, then, that on all of these stops when you did stop you stopped because Mr. Chambers said this is the house? A. Yes, that is true.

Q. In other words, you were following his directions when it came to stopping? A. Yes.

Q. And you are rather positive that the pictures were retained by you in the front seat until you were told to stop? A. Yes, I am positive of that.

Q. And when you did stop then you examined those pictures to see what the house looked like amongst the pictures that you had? A. Yes, that is true.

Q. And then you gave him those pictures to sign? A. Yes, sir.

Q. By the way, did you sign them also? A. Yes, I signed the pictures also below Mr. Chambers' signature.

Q. Now I will show you these sets of pictures starting with Government's Exhibit 7, A, B and C; Government's Exhibit 8, A, B, C and D; Government's Exhibit 9, A, B and C; and Government's Exhibit 10, A, B, and C, and [867] ask you whether these are the pictures that you have just testified to and whether that signature is yours, and whether you saw Mr. Chambers write his name on it?

A. These are the photographs, Mr. Murphy. That is my signature on each of them and the signature that Mr. Chambers signed also.

Q. And the date? A. And the date.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Mr. Walsh, you went first to the P Street house? A. Yes, sir.

Q. There was a number on that house, wasn't there? A. I believe there is, I am not sure.

Q. 2905? A. I believe there is. I am not sure of whether there is a number on that house or not.

Q. When you stopped you did not notice the number 2905? A. I don't recall specifically knowing whether there was a number on the outside of the house or not.

Q. Well, on these pictures didn't you have a notation 2905 P Street? A. There was a slip attached to the bottom of the pictures. Now, on some of those that slip is not here now.

Q. Well, the number of the house and the street was on the bottom of the picture, wasn't it? A. Yes, sir.

Q. And when you got over to Volta Place there was a [868] number on that house of 3415, wasn't there? A. You mean a number similar to this?

Q. A number on the house indicating the number of the Volta Place house. A. Mr. Cross, I am not sure on any of the houses that there was a number on the outside. I know that there was a number on some of them, but I am not sure there was a number on each one.

Q. You did not look to see whether there was?

A. No, sir.

Q. But your pictures had the number? A. Yes, sir.

Q. Did Mr. Chambers say anything about the fact that prior to February 2, 1948, there had been testimony that had been printed by the House Committee giving the numbers of those houses? A. No, sir.

Q. Or that he had been interrogated in Baltimore in a deposition on November 4, 5 and November 17, 1948, about those houses? A. I recall no such statement by him to me.

Q. Now, did you have anything to do with taking those pictures? A. No, sir.

Q. Where did you get them? A. There was another agent in the office who took the photographs.

Q. Do you know when they were taken? A. They were taken shortly before the automobile trip that we made.

Q. They had been taken and developed before you started on your trip? A. Yes, sir.

[869] Q. And then you were given the pictures? A. Yes, sir.

Q. With the numbers on the bottom? A. Yes, sir.

Q. You had not worked on this case up until that time, had you? A. Yes, sir, I had.

Q. Well, what had you done? A. What had I done?

Q. Yes. A. Well, there were other leads which I had covered in the case.

Q. Over a period of what time? A. Approximately two months.

Q. Who was the person who took those pictures?

A. I believe his name is Donald Connors.

Q. Now, the pictures were signed in each case in the manner that you have indicated? A. Yes, sir.

Q. You said something about an O Street block, did you? A. Yes, sir.

Q. What number O Street did you drive around a couple of times? A. My recollection is that there was a house at 3411 O Street which we drove by.

Q. Well, that house you knew the Hisses last lived in in June 1934, didn't you? A. I believe that is correct.

Q. The notation is right on the bottom of the picture, isn't it? A. Yes, sir.

Q. And on all of these pictures you had a notation of just the period that the Hisses were supposed to have lived there? A. Yes, sir.

[870] Q. Now, as you went to Volta Place how did you approach it? A. As we drove to Volta place?

Q. Yes. Did you approach it from Wisconsin Avenue?

A. Well, P Street runs at right angles to Wisconsin Avenue, and then there is no extension of P Street directly west of Wisconsin Avenue. My recollection is that P Street jogged slightly to the south, and that Volta Place is the next street to the north.

Q. You entered Volta Place from Wisconsin Avenue?

A. We turned from P Street to Wisconsin Avenue and then drove a half block approximately—this is my best recollection—north where we turned left on Volta Place.

Q. And that is about two and a half blocks—3415 Volta Place is some two and a half to three blocks from Wisconsin Avenue? A. I can't recall exactly how far that is from Wisconsin Avenue.

Q. You cross through 33rd Street, 34th Street, come to the second house to 35th Street, don't you?

A. I can't recall the exact location of the numbered streets in relation to Wisconsin Avenue because Wisconsin runs at a slight angle.

Q. Well, as you went up Volta Place from Wisconsin Avenue did you pass a police station on the left?

A. I don't recall.

Q. Or a playground on the right? A. I don't recall.

[871] Q. Have you been back to 1245 30th Street since the last trial? A. Yes, sir.

Q. Whom did you go with? A. I went with another agent from the Washington office. Do you want his name?

Q. Yes. A. Mr. Van Etten.

Q. When? A. That was approximately a week ago or perhaps ten days ago.

Q. Had you gone there before? A. No.

Q. Since the last trial did you understand some other representatives of the FBI of the Washington office had been out? A. No, I don't know whether they had been or not.

Q. Did you have any thing to do with scraping the paint on the living room? A. No, sir.

Q. Now, did you go to 3415 Volta Place recently? A. No, sir.

Q. Did you know anything about the FBI having a sketch made of that since the last hearing? A. No, sir, I do not.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. Mr. Walsh, were you ever inside the house on 30th Street? A. No, sir, I was not.

Q. Therefore you could not scrape any paint off any wall, is that right? A. Not on the inside, no, sir.

Q. Or maybe the question was directed to scraping off [872] the paint on the outside. Did you scrape any paint off the outside? A. No, sir, I did not.

Q. When would you say was the last time you scraped any paint off any house? A. I never did.

Q. You never did? A. No, sir.

Q. Do you know of any FBI agent to scrape off any paint in the last week or two from the 30th Street house? A. No, sir, I do not.

Q. Going backwards now, in the last year, for instance.

A. No, sir, I have no knowledge of—

Q. Of anybody scraping any paint off houses, is that right? A. No, sir.

Q. Do you know as a fact that the transcript of the House Committee report was not printed in December of 1948?

A. No, sir, I have not any knowledge.

Q. You have no knowledge when the transcript was printed? A. No, sir.

Q. You did not make a sketch of the Volta Place house, did you? A. No, sir.

Q. Now, when you drove past O Street—Mr. Cross says drove around the O Street house. Did you circumnavigate the house in an automobile? A. We drove around the block.

Q. The block. A. Yes.

Q. And that was because you knew that the Hisses lived [873] on O Street at one time? A. Yes, sir.

Q. In other words, you knew that they lived there in some part of 1934? A. Yes, sir.

Q. And you wanted to see whether Chambers could pick it up, is that right? A. Yes, sir.

Q. And he did not? A. Well, he was not sure about it.

Q. You did not stop? A. Yes, sir, we did stop.

Q. And he wasn't sure? A. Yes, sir.

Q. And you did not show him the picture? A. No, sir.

Q. But he was sure of all the others?

A. Yes, sir.

Q. The four that you have identified? A. Yes, sir.

Q. Now, Mr. Cross said when you drove up to the P Street house. Do I gather from that that you went right up from downtown Washington and finally got to the P Street house number something and stopped; is that the way you did it or did you wait until Mr. Chambers told you to stop? A. I had to wait for him to tell me to stop because I had never seen the houses myself.

Q. How did you get to P Street from 9th and Pennsylvania Avenue? A. We drove out Rock Creek Parkway, and there is a road leading up from the Rock Creek Parkway which opens on to P Street, and that comes into P Street about two or three blocks below the 2900 block.

Q. Two or three blocks below? A. Yes.

[874] Q. And you stopped when Mr. Chambers told you to stop? A. Yes, sir.

Q. And you followed that procedure for the other four houses? A. Yes, sir.

MR. MURPHY: Thank you.

Recross Examination by Mr. Cross:

Q. Mr. Walsh, do you know who all worked on this case in the Washington office of the FBI? A. I can't give the names of everyone who did, no, sir.

Q. Or what they did? A. No, sir.

Q. Did you know at one time there were as many as 35 FBI agents working on it at one time? A. I think that is entirely possible.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. Do you know what they were looking for, Mr. Walsh, these 35 agents? A. I know that a good many of them were looking for the typewriter in Georgetown.

Q. And they were looking for a typewriter in Georgetown? A. Yes, sir.

Q. And that is this section of Washington that you have just described? A. Yes, sir.

Q. 35 agents, or some of them? A. Yes, sir.

Q. Looking for a typewriter? A. Yes, sir.

Q. Do you know when that was? A. That was during [875] December and January and I believe part of February.

Q. 35 agents or some of them looking for a typewriter during these months? A. Yes, sir.

MR. MURPHY: I see. Thank you.

MR. CROSS: That is all.

(Witness excused.)

DANIEL F. X. CALLAHAN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Callahan, in December 1948 were you a special agent of the FBI attached to the Baltimore office?

A. Yes, sir.

Q. And at that time and on that day did you have an interview with Mr. Alger Hiss? A. I did, sir.

Q. And where was the interview? What office?

A. The interview was conducted in the Baltimore office of the F.B.I.

Q. And who was present? A. Mr. Hiss, his attorney, and Special Agent Johnstone and myself.

Q. And who was Mr. Hiss's attorney who was present?

Q. William Marbury.

Q. He is a Baltimore lawyer? A. Yes, sir.

Q. And the interview with Mr. Hiss was at the Bureau's request? A. It was.

[876] Q. How long would you say the interview lasted, approximately? A. It was approximately, I will say, five to perhaps four hours. There was a session in the morning and then we had lunch and continued in the afternoon.

Q. And then did you and others dictate a statement?

A. We did.

Q. And Mr. Hiss signed it? A. He did.

Q. Did he help at all in the wording of the statement himself? A. He assisted in phrasing some of the statement.

Q. And did he sign it that day? A. He did.

Q. By the way, Mr. Johnstone is sick, isn't he?

A. Yes.

Q. I show you that last page, page 10, is that his signature? A. It is, sir.

Q. And are the preceding pages the entire statement that was taken and signed at that time? A. Yes, sir. This is the statement.

MR. MURPHY: I offer that statement in evidence.

MR. CROSS: No objection.

(Marked Government's Exhibit 45.)

Q. Was Mr. Hiss given a copy, do you know? A. I do not know.

MR. MURPHY: Ladies and gentlemen of the jury, this is Government's Exhibit 45 and is dated December 4, [877] 1948 (reading Government's Exhibit 45 to the jury).

You may examine.

Cross Examination by Mr. Cross:

Q. Mr. Callahan, this was taken December 4, 1948 in Baltimore, was it not? A. Yes, sir.

Q. Do you know whether or not on December 3, 1948, Mr. Hiss was in Baltimore? A. I did not, sir.

Q. Did you have anything to do with communicating with Mr. Marbury about asking whether or not Mr. Hiss would appear in the FBI office on December 4, 1948? A. I did not make the arrangements.

Q. You knew that the FBI office in Baltimore did get in touch with Mr. Marbury on the evening of December 3, 1948, to ask whether or not Mr. Hiss would appear in your office on December 4, 1948, did you not? A. That is correct.

Q. Mr. Marbury, as you understood, was Baltimore counsel for Mr. Hiss in the libel suit against Mr. Chambers?

A. Yes, sir.

Q. And the next morning Mr. Hiss did appear with Mr. Marbury? A. He did.

Q. And you understood he came from New York specially for that purpose? A. I believe that is the situation.

Q. And they got there about 9 o'clock in the morning?

A. Sometime between 9 and 10 I would say.

[878] Q. And then you worked until noontime and then you had lunch out and came back and worked in the afternoon?

A. That is correct.

Q. And then the statement was dictated?

A. That is right.

Q. Mr. Hiss cooperated in every way? A. Yes, sir.

Q. And signed the statement willingly? A. Yes, sir.

Q. And appeared promptly at the office after the notice on the evening of December 3rd, as you understood, coming from New York? A. Yes, sir.

MR. CROSS: That is all.

MR. MURPHY: Thank you, Mr. Callahan.

(Witness excused.)

MR. MURPHY: Your Honor, that exhausts my witnesses for today. I had 17. I thought I would last a little longer but I did not, so could we adjourn until tomorrow?

THE COURT: I don't suppose you could go along without witnesses.

MR. MURPHY: They would help.

MR. CROSS: I would help by stipulating some that are not controversial.

THE COURT: There has been plenty of time to stipulate. The stipulations could have been made. You have heard that, ladies and gentlemen, so we will adjourn until tomorrow morning at half-past ten.

(Adjourned to December 1, 1949, at 10:30 a.m.)

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[879] New York, December 1, 1949; 10:30 o'clock a. m.
Trial resumed.

PAUL BANFIELD, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Banfield, you are the headmaster at a school in Washington called the Landon School, are you?

A. Yes, sir.

Q. And were you such headmaster back in 1937? I am going to show you two letters, Mr. Banfield, one a handwritten letter and the other a typewritten note, and ask you whether you received both of these letters as headmaster of the Landon School?

A. Yes, sir, I did.

Q. And you received them from Mr. Hiss?

A. That is right.

Q. And it related to Mr. Hiss's stepson, Tim Hobson, who was a student in your school? A. Yes, sir.

MR. MURPHY: I offer both.

MR. CROSS: No objection.

[880] MR. MURPHY: Will you mark the handwritten one Government's Exhibit 46-A and the typewritten 46-B.

(Marked Government's Exhibits 46-A and 46-B)

MR. MURPHY: Ladies and gentlemen of the jury, the handwritten note marked 46-A is addressed to Mr. Banfield, the witness, dated September 9, 1936, with the address 1245 30th Street, Washington (reads Exhibit 46-A).

And then this typewritten memorandum is three pages and is entitled "Description of personal characteristics of Timothy Hobson" and the last page is dated September 9, 1936, and I will just read you a paragraph that includes the description of the personal characteristics of Timothy Hobson (reads).

The other paragraph relates to his interest in sports and so forth.

You may examine.

Cross Examination by Mr. Cross:

Q. Mr. Banfield, how long have you been headmaster of the Landon School? A. Since 1929.

Q. That school is in Washington? A. In Montgomery County, Maryland, just outside of Washington.

Q. Is that solely for boys? A. Yes, sir.

Q. About how large a school? A. 350 pupils.

Q. How long have you been headmaster at the Landon School, Mr. Banfield? A. Since 1929.

[881] Q. Continuously? A. Except for the duration of the war when I was in the service.

Q. Do you know Alger Hiss? A. Yes.

MR. MURPHY: Your Honor, may I at this time, if Mr. Cross's purpose is to convert this witness into a reputation witness, ask that he delay that until the defense puts in its case. It seems to me at this particular time it is not in its right order.

THE COURT: That is usual.

MR. CROSS: Well, I would hate to bring this man back from Washington. I understood that I might put in some witnesses as a matter of convenience.

THE COURT: I should think so, to save him coming back.

MR. CROSS: I hope you will permit me.

MR. MURPHY: I will withdraw the objection, your Honor.

Q. When did you first meet Alger Hiss?

A. When he came out to the school to see about enrolling his stepson.

Q. And when was that? A. I think it was 1936. (Examining papers.) Yes, it was.

Q. Did you have quite a long talk with him at that time? A. I don't remember. I rather imagine so.

Q. Will you tell us briefly, Mr. Banfield, what [882] your contacts have been with Mr. Hiss since 1936 when you first met him? A. The usual contacts a headmaster has with a parent of a boy up until his boy was withdrawn from school. After that very few.

Q. How long was Timothy Hobson at the Landon School?

A. Four years.

Q. Did he enter in 1936? A. September 1936.

Q. And what period continuous? I mean continuous so far as school years go. A. Yes.

Q. Have you known other people who have known Alger Hiss? A. Yes.

Q. Do you know what his reputation is for loyalty, integrity and veracity? A. It is good.

MR. CROSS: Your witness.

Redirect Examination by Mr. Murphy:

Q. Just two questions, Mr. Banfield: Did you know prior to 1948 or did you hear rumors that Mr. Hiss was a Communist? A. Not until this trial opened.

Q. I am asking a little before that even, prior to 1948 did you ever hear that? A. No.

Q. And did you ever hear prior to 1948 that he had delivered State Department documents to people or persons unauthorized to receive them? A. Not to my knowledge.

MR. MURPHY: Thank you.

(Witness excused)

[883] JOSEPH S. SAGONA, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Sagona, you are employed, are you not, by the Department of State? A. Yes, sir.

Q. And are you familiar with the Department's records concerning employees' annual leaves and sick leaves and so forth? A. Yes.

Q. I show you a photostat of what appears to be a record of the Department of State, Alger Hiss, for 1937, and ask you whether that is a photostat of the Department's records?

A. This is a photostat of the original.

Q. And can you tell us what days annual leave Mr. Hiss had in 1937? A. He was on leave from August 2 through the 7th—let me correct that—from August 2 to the 14th, inclusive.

Q. August 2nd to and including August 14?

A. That is right.

Q. Any other time there? A. Not in August, no.

Q. How about in any other months? A. In July there were four hours on the 10th; four hours on July 17th; he was off also one week from July 19th through the 24th, and the last week of July also. That is, from July 26th through 31.

[884] Q. For all practical purposes it is the last two weeks in July and the first two weeks in August, is that correct?

A. That is correct.

MR. MURPHY: I offer that in evidence.

MR. CROSS: No objection.

(Marked Government's Exhibit 47)

MR. MURPHY: That is all.

Cross Examination by Mr. Cross:

Q. The records of the State Department showing the period of a leave of absence only shows the working days, is that correct? A. It shows the working days, that is correct.

Q. And does not show Saturdays and Sundays? A. The report does show Saturdays and Sundays, but, of course, there is no leave charged for Saturday and Sunday, so there is no posting to indicate that.

Q. So that there may be no misunderstanding, the records of the State Department show that Mr. Hiss was on leave—does it show whether he was on leave or on vacation? A. He was on leave.

Q. Well, you have so much leave time, don't you?

A. That is correct.

Q. And you can take that for whatever purpose you want, vacation or any other purpose? A. Yes.

Q. And you don't know for what purpose this leave was [885] taken? A. No, the records are not intended to show the purpose.

Q. But, at any rate, from about July 19, 1937 until—August 14, is it? A. That is correct.

Q. —1937, Mr. Hiss was absent from the State Department? A. Yes.

MR. CROSS: That is all.

MR. MURPHY: Thank you very much.

(Witness excused)

FRANCIS D. O'BRIEN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. O'Brien, on December 7, 1948, were you a special agent with the FBI? A. Yes, sir.

Q. In the New York office here? A. Yes, sir, I was.

Q. And on that day did you take a statement from Mrs. Priscilla Hiss? A. Yes, sir, I did.

Q. In the presence of her lawyer? A. Yes, sir.

Q. Mr. McLean? A. Mr. McLean, yes, sir.

Q. I show you this two-page statement and ask you whether that is Mrs. Hiss's signature? A. Yes.

Q. And is that the statement that you took, those two pages? A. Yes, sir, that is.

MR. MURPHY: I ask that it be marked for [886] identification.

(Marked Government's Exhibit 48 for identification)

Q. Do you recall whether or not a copy was given to Mr. McLean at that time? A. Yes, sir, a copy was furnished to him.

MR. MURPHY: All right, no further questions.

Cross Examination by Mr. Cross:

Q. Mr. O'Brien, were certain standards of typing turned over by Mr. Hiss or his counsel to you? A. Yes, Mr. McLean turned them over to me.

Q. Do you recall what they were? A. I recall there was a letter written to the insurance company, the Equitable Insurance Company, I believe, that Mr. McLean gave to me.

Q. That what? A. That Mr. McLean gave to me.

Q. Anything else? A. And there were some two copies of typewritten menus, I believe, they were termed menus because of the nature of the material.

Q. Now, I show you, Mr. O'Brien, six typewritten sheets that are clipped together and ask you if those were given you by Mr. McLean, or a copy of those? A. Yes, I believe these are the ones that were given to me.

Q. And subsequently were they returned? A. Yes, sir, they were returned to Mr. McLean.

Q. That is, by the FBI? A. Yes, sir.

MR. CROSS: I offer it in evidence.

[887] MR. MURPHY: No objection.

(Marked Defendant's Exhibit RR)

MR. CROSS: Ladies and gentlemen of the jury, this I won't read, but it is headed Appendix A. It will be further identified later, but I think it obvious from the

names and the definition that it has to do with Greek mythology.

Q. Do you say that was a letter addressed to the Equitable Life Assurance Society? A. Yes, I believe it was.

Q. I show you this paper which is in a Cellophane wrapper, Mr. O'Brien, and ask you if you think that was one of the papers? A. Yes, sir.

MR. CROSS: I ask that this be marked for identification.

(Marked Defendant's Exhibit SS for identification)

Q. This you of course recognized was a carbon copy, did you not? A. Yes, I did, Mr. Cross.

Q. And later the FBI got the original of that letter from the insurance company, did it not? A. I think that we received the original from Mr. McLean. My recollection is that the letter was for some reason never sent, and Mr. McLean located the original.

Q. And gave you both the original and the duplicate?

A. Yes, he came to the office and gave us both, I think.

[888] Q. And the duplicate was returned to him? A. Yes.

MR. CROSS: Mr. Murphy, I am told that this Defendant's Exhibit SS for identification is the carbon copy of Government's Exhibit 36.

MR. MURPHY: I would think so, yes.

Q. Now, I show you two other letters here, one apparently an original and the other a carbon, and ask you if those were given to you by Mr. McLean as counsel for Mr. Hiss? A. Yes, sir, these were. These are the letters he gave me.

Q. Are you referring to the letter which I have just handed to you, the original that was not sent? A. Yes, this is to the insurance company in Boston.

Q. But the one to the Equitable was sent? A. Yes, sir, it was sent.

Q. And the FBI got that from the insurance company?

A. Yes. So I say this is the one that Mr. McLean brought in that wasn't sent.

Q. That is, both the original and the duplicate?

A. Yes, the original and the copy.

Q. Both handed to you by Mr. McLean? A. Yes, sir.

MR. CROSS: Will you mark this Defendant's Exhibit TT. I do not think we need to mark the duplicate.

MR. MURPHY: No.

[889] (Marked Defendant's Exhibit TT)

MR. CROSS: This, ladies and gentlemen of the jury, is addressed to Walter L. Tibbets, Esq., 1216 Atlantic National Bank, Boston, Mass., and it relates to certain applications for an insurance policy.

BY MR. CROSS:

Q. Did Mr. McLean come over to the FBI office in New York and bring those? A. Yes, sir, he did.

Q. And told you that they had been trying to get all of the standards that they could from any source?

A. Yes, sir, that is correct.

Q. And turned them over to you? A. Yes.

Q. And told you that that was all they were able to locate? A. At that time that is all they could locate.

MR. CROSS: That is all.

MR. MURPHY: Thank you, Mr. O'Brien.

(Witness excused)

[890] WALTER H. ANDERSON, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Anderson, you are employed by the State Department, are you not? A. Yes, sir.

Q. As a matter of fact you testified earlier in this trial, did you not? A. I did, sir.

Q. And you produced the Ray Murphy notes pursuant to a subpoena served upon the State Department by the defendant?

A. Yes, sir.

Q. And you also received a subpoena for the Berle notes? A. Yes, sir.

Q. Which you could not find in the State Department records? A. That is true, sir.

Q. Now how long have you been with the State Department, Mr. Anderson? A. Approximately 28 years, sir.

Q. And in what capacities? A. Well, various capacities.

Q. Let us take the last ten years. What were you doing? A. Principally in the records work, assistant chiefs of various sections, chiefs of sections and currently chief of the records branch of the Division of Communications and Records.

Q. You testified at the first trial, did you not?

A. I did, sir.

[891] Q. Have you had occasion to read your testimony since that time? A. At your suggestion I did not read it, sir.

Q. I am going to ask you some preliminary questions, Mr. Anderson, about the workings of the State Department in so far as the records and cables and memoranda are concerned, and would you keep in mind the fact that you have lived with it all these years and we are not too well acquainted with it. A. Yes, sir.

Q. Now let us go first to the code room. Would you tell us in your way just what happens to a cable when it comes in from one of the embassies abroad?

A. Well, of course the first step is the receipt of the cable in the wire room. The telegraphers who take down the messages, invariably they would be in code, and having taken down the message the text would then move to the code room proper where the code clerks would uncode the message and put it into English and then it would move into what they called at that time a revision desk where code experts would go over the rough English text and work out any garbled code groups, insert punctuation, and generally edit the message.

Q. Edit it only for an intelligent understanding? They would not substitute words of their own?

A. Oh no. They would not change the text of the message; simply edit it and then the revised text would [892] go to a typing unit.

Q. Will you keep your voice up, please.

A. The revised text would go to a typing unit where the rough handwritten text would be typed on a mimeograph stencil.

Q. I think you will have to explain what a mimeograph stencil is. A. A mimeograph stencil is a master sheet from which can be reproduced a considerable quantity or number of copies. That runs through a mimeograph machine. In other words, a reproducing process. After the stencil is completed it was then compared with the handwritten English text for accuracy, of course. Then after the stencil had been compared and found correct in all details the stencil would then move into a reproduction unit where the machine operators would run the stencil through the machine and run off an arbitrary number of units, depending on the text of the document.

Then one copy was always run off on yellow bond paper which was the permanent record copy of the Department of State. The other copies are reproduced on ordinary white mimeograph paper. They were what we call the information copies.

Q. I think we had better stop there a second, Mr. Anderson, and just go over it so we will all understand it: when this cable came in it would be decoded. [893] The cables usually come in in code? A. Invariably, yes, sir.

Q. Then after it was decoded some people worked on it to revise the English? A. They worked on it to work out any garbled code groups that the code clerk in the code room could not decipher.

Q. Then when that was done somebody else typed out a master stencil? A. That is correct.

Q. And then that stencil was put on a machine and copies were run off? A. That is correct.

Q. And the first copy that was run off was always on yellow paper? A. It was not necessarily the first copy. It might have been the last copy, but one copy was always run off on yellow bond paper.

Q. And the rest on ordinary white?

A. That is correct. The yellow bond paper had preprinted "State Department" at the top and "Telegram Received. Department of State" and so forth.

Q. What happened to that yellow copy? Where would that go? A. After the reproduction had been made the reproduced copies, including the permanent record copy, went to the distribution clerk who would read the contents of the message and determine the distribution to be made within the Department, and she would send the permanent record copy to one of the record sections where it would be made of record permanently and routed to the appropriate [894] action office for action.

Q. We will have to go over that again a little slowly. This yellow copy, what we call the permanent record copy, would go down to the record room?

A. One of the record sections. There were several of them, sir.

Q. And there it would be indexed and cross indexed, and so forth and certain code numbers put on the side?

A. That is correct, sir.

Q. You people used the Dewey System, is that right?

A. We used a modification of the Dewey Decimal System.

Q. In other words these various members of the State Department, if you knew the system you could tell where the code came from and where the cable came from and what generally was the subject matter and what country was the origin, and so forth?

A. Well, the file number itself would divulge to those who knew the system, would divulge only the subject matter of the document. It would not divulge the source of the document.

Q. Would it tell the country, for instance? A. No, sir. The document itself, of course, would tell that.

Q. Now after that was indexed then it would go you said to the action office. What do you mean by that?

A. Well, depending on the subject content of the [895] message it would be routed to one of the numerous action offices of the Department; to that office only. We

would indicate a symbol, an office routing symbol in the upper righthand corner of the yellow action copy showing to one office only.

Q. I think what we are in doubt about, is what you mean by the action office. That means the office in the State Department that was called upon to do something about that message?

A. By action office I mean the office of the department having primary responsibility for the subject matter of that document.

Q. And that is where the yellow or action copy went?

A. That is correct, sir.

Q. Now you said that you had a number of mimeographed copies of the same message which you call information copies.

A. That is correct.

Q. And you say they would be distributed also?

A. That is correct, sir.

Q. And who would determine where they would be distributed? A. The distribution clerk in what was then called the telegraph section made that determination from a reading of the message. She would distribute copies in her best judgment to the offices of the department having an interest in the subject matter.

[896] Q. In other words assuming that the code was merely for the Secretary of State, still there would be 15 or 16 other officers in the department who this lady thought should know about it, is that right?

A. Well, any message captioned for the Secretary of State or for the Under-Secretary of State or for the President, for example messages of that type ordinarily would receive a very restricted distribution, usually only at the top levels of the Department.

Q. Assume one without that restriction. A. It would be given a fairly wide distribution.

Q. And what record would be made as to where it was distributed? A. Well, at the time the distribution clerk was making the distribution of the information copies she was supplied with a rubber stamp which had all of the Department's office symbols and she would strike that

stamp on the lefthand margin of what they called the code room copy, which was the master copy of the code room and she would indicate by check marks after the office symbols where copies were distributed in the Department.

Q. In other words that would be the Department's record as to where the different information copies went?

A. That is correct, sir.

Q. And that was done by a rubber stamp legend on the side of these cables and a little check mark [897] indicating that those offices received those copies, is that right? A. That is correct, sir.

Q. How would they be delivered? Regular messenger service or what? Bear in mind we are talking—I did not really premise this, Mr. Anderson—but we are talking about 1937 and 1938. Is that the period you are talking about? A. Yes, sir, as of 1937-1938, yes, sir.

Q. I asked you how these various cables would be distributed in the Department. How would they be physically distributed? A. Well, to the best of my recollection, bear in mind I was not regularly employed in the telegraph section, but to the best of my recollection the telegraph section did have a messenger of its own which made regular trips throughout the Department distributing the telegrams or messages which, as I understand it, were enveloped and each envelope was preprinted with the office symbol. In other words the envelope with the symbol, with the contents of the envelope, the messenger would deliver at the office of the Secretary of State.

Q. Your recollection is the messages would be enclosed in envelopes and then distributed to the various offices according to the directions on each envelope? A. Yes, sir, with minor exceptions to that, but that was the general practice, as I remember. [898] Telegrams of a very sensitive nature, such as a telegram from a mission in Europe, captioned for the President,—I recall in one or two instances where the telegram of that type was not reproduced. In other words it was written up in ribbon copy only, or maybe one or two copies, and the document taken across the street to the executive offices, to the White House. That is one exception. I think there were other

exceptions; telegrams captioned for the Secretary of State only, they were ordinarily given limited distribution and would not go through the regular messenger channels for distribution. On occasion I myself have delivered certain telegrams to the office of the Secretary of State.

Q. You said most of those cables came in in code.

A. Invariably, yes, sir.

Q. However in 1937 and 1938 what were the codes or names of the codes? A. They at that time employed what they called lettered codes, beginning with the letter A and down through and including the letter D. The further down the alphabet the more confidential was the code. In other words, the D code at that time was the most confidential code the Department had. However, if I remember correctly, in 1938 or it might have been 1937, they did devise a code which they called the strip cipher which was considered more [899] confidential than the D code—the letter D.

Q. Was there a code with a color name?

A. Then they had certain codes they used for administrative matters, the gray code primarily and also I believe the brown code came in existence about that time, although I am not too certain.

Q. Well, if a foreign station was quoting a newspaper article in its cable would they use that part of the code?

A. Under the security requirements as of that time if a mission was reporting on a delicate matter and of necessity had to quote a newspaper article or item, the body of the message from the mission would be in the D code or some other confidential code, but when they came to quoting the newspaper item or any information which was public they would then insert in there the gray or some administrative code, of course the object being to protect the confidential codes of the Department.

Q. So even the newspaper quote would be in a code?

A. Yes, sir. It is impossible to send a mixed message of code and English text. The carriers will not accept them.

Q. Does that cover pretty generally the routing of cables as they come into the State Department?

A. Well, that covers the distribution of incoming telegrams as of that time, yes, sir. When it comes [900] to the routing of the action copy, the copy reproduced on yellow bond paper, the routing there would be determined in the records sections.

Q. In other words there would be a route slip on this yellow copy? A. No, there was no route slip. The route was indicated in green pencil in the upper righthand corner in the record section.

Q. For example? A. For example a telegram from Paris reporting political information of interest to the Western European Division, the record section would make it of record and route it to the Western European Division by inserting the symbol of that Division in the upper righthand corner of the telegram. Then when the telegram moved through the distribution in the record section, they were sent according to the lettered symbol WE. The telegram should be sent to the Western European Division.

Q. How would it get to the record room?

A. After the action office had completed its action they would send it back to us through the usual messenger channels, depending, of course, on the type. If it was a highly confidential message ordinarily they would send it back by special messenger or one of the personnel of the Division might send it back.

Q. Would there be endorsements on the message?

[901] A. The action office would strike their office stamp on the face of the telegram and usually then the impression of that stamp, whatever officers handled it, would indicate the action that he had taken, or, if no action had been indicated, he would simply mark it "File" and initial it.

Q. Suppose one man wanted to call another man's attention to a particular cable, would he put a memorandum on top of it? A. Yes, sir. That was done quite frequently, provided, of course, the other official was in another division.

Q. And how would the information copies be handled as they were distributed to the offices? Do you know whether or not there too the stamp would be put on the

copy? A. That I do not know, sir. I have seen some information copies with office stamps on them. Whether or not that was the general practice in the Department at that time I cannot say.

Q. You do not know whether everybody did it?

A. No, I do not.

Q. What would happen with the information copies before the particular office had read them and studied them? Would they come back to the record room or file room? A. As of 1937 and 1938 the practice was to collect all of the information copies from all over [902] the department, I think it was on a Monday of each week, and having been collected they were taken to the incinerator and burned.

Q. Now how would an ordinary memorandum—let us suppose Mr. Darlington wrote a memorandum for Mr. Sayre—who was Mr. Darlington back in 1937-38?

A. Mr. Darlington, I believe, was an officer in the Trade Agreements Division.

Q. Suppose he wrote a memorandum for Mr. Sayre, how would that be handled? A. Well, it would move from Mr. Darlington's office to Mr. Sayre's office direct.

Q. It would not go to the record room?

A. It would not go through the records first, no, sir.

Q. Then when Mr. Sayre's office got finished with it would it go down to the records? A. Providing all action had been completed.

Q. In other words interoffice memoranda passed between the officers, and when the action was completed it ended up in the record room? A. That is correct, sir.

Q. I daresay that sometimes it took many months?

A. Yes.

Q. In other words when you got it there would be a difference in dates of, in some instances, months?

A. Yes, sir, in some instances years.

Q. And then it would be indexed down there for the [903] first time? A. Provided it had what we call permanent record value; if the memorandum contributed something to the file on which it was based or which it

concerned then, of course, it was made a permanent record in the department's files.

Q. Now, Mr. Anderson, did you bring a number of the department's original files with you?

A. Yes, sir.

Q. And you have seen, I think, what we know here as the Baltimore exhibits? A. Yes, sir.

Q. And not only prior to this trial, but prior to the last trial, you have compared the information contained in the Baltimore documents and looked for and found the original State Department document that compared with those, have you? A. Yes, sir.

Q. And you have brought with you too what you refer to as the code room copy, that is the copy with the legend on the side showing how that particular telegram was distributed? A. Yes. I brought with me microfilm prints of those copies.

Q. Oh yes. I meant to ask you that. What happened to this record or that copy in the code room?

A. Well, for space reasons beginning, I think it was, in 1945, the department decided to microfilm the code room copies and then destroyed the copies after [904] the film, of course, had been verified as being correct.

Q. So that the copies that you have have been taken from the microfilms? A. Yes, sir.

Q. I suppose when the war started the security measures changed in the Department somewhat?

A. That is correct, sir.

Q. So that when we are talking about 1937 and 1938 we are talking about a time prior to the war?

A. Yes, sir.

Q. But you do say that this distribution that you have described, the distributions were made in envelopes by messengers? A. To the best of my recollection, yes, sir.

Q. And your recollection is too that every once in a while, I think you said by weeks, they were collected and destroyed? A. They were supposed to have been collected weekly, I think on Mondays.

Q. Generally speaking the distribution was made to the chiefs of the sections, is that right?

A. Distribution was made to the offices and divisions, not to any individuals, sir.

Q. Where would they be delivered if they were delivered to Mr. Sayre's office? A. They would be delivered to what we call his outer office.

Q. His outer office? A. Yes, sir.

[905] Q. Let us take another section, the Western European.

A. To the outer office, yes, sir, usually the receptionist.

Q. And it would be up to the clerk or employee there to follow the practice of that particular division?

A. Yes, sir.

MR. MURPHY: Now, your Honor, we have a number of exhibits. We have them enlarged, and I think it will be of assistance to the jury if I bring them in and move this table back a little and furnish your Honor with a copy and have the witness identify his originals and permit the jury to see it in a sort of a magnified condition, so if you will give us about five minutes we can adjust the scenery. May we take a short recess?

THE COURT: We will take a recess while that is being done.

(Short recess)

[906] MR. MURPHY: Your Honor, with your permission and with the consent of Mr. Cross, we think we can simplify this rather tedious job here now in this fashion: It has been agreed that Mr. Anderson from the State Department has already gone through the State Department files, and he has found the original State Department documents which match up with the Baltimore documents. Now, these are the Baltimore documents here that have been magnified, and I will refer to them separately.

Now, it has been agreed that rather than have me ask Mr. Anderson each time whether he has compared the original with the copy, we will assume that he has, and

that I can start reading the original and have the jury compare it with the Baltimore documents, and then I will have Mr. Anderson, at least until one o'clock, tell us from his code room copy how it was distributed, and on your Honor's desk will be placed a photostat of the Baltimore document and a photostat of the original so that you can follow this without straining.

And then I am going to ask, with your Honor's permission, that the exhibits be marked identically the way they were at the last trial except that Mr. Toner merely put the date stamp on, and it will help us considerably because the system that we have used is as follows:

[907] The original document that corresponds with the Baltimore document we will call Government's State 1, and that corresponds with Government's Baltimore 1, and so forth. In other words, the Baltimore document No. 45, the original document from Mr. Anderson will be called Government's State 45, and it will be a little quicker for all of us if Mr. Toner merely puts today's date on it; and with your permission I think if I stand over there and get out of the way of the vision of the jury, we will get along much better.

MR. CROSS: If your Honor please, Mr. Murphy, that statement is as we worked it out during the intermission. There is just one additional fact, and that is that these red letters that appear on the exhibits were put there during the course of the preparation for the first trial, and are not on the originals that have been marked already as Baltimore Exhibits 1 to 47.

MR. MURPHY: Yes, that is correct. The red markings are the markings by an FBI agent, and, of course, are not on the originals at all.

Now, ladies and gentlemen of the jury, I am going to read to you a telegram dated Moscow, January 28, 1938, and all of these telegrams are addressed to the Secretary of State.

[908] BY MR. MURPHY:

Q. This "(A)" here that I have, is that the (A) code? Is that what that means? A. That is correct, sir.

MR. MURPHY: So when I read and say that the code is (A), I am reading from part of the telegram; so I will read the city of origin, the date, what code it is, and the subject matter of the telegram, and ask the jury while I am reading it to compare it with the Baltimore document which is in front of you and which has been magnified a considerable number of times.

Now, "Moscow, January 28, 1938" (reads Government's State Exhibit 1).

Q. That part was in the gray code, signed Anderson?

A. Yes.

Q. Now, for the time being, Mr. Anderson, will you tell us from looking at your code room copy where that telegram was distributed in the Department of State? A. It was distributed to the Office of the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, the Legal Adviser's Office, Political Adviser Dunn, the European Division, the Current Information Division, the Division of Foreign Service Administration, the Passport Division.

Q. And you read that from the legend on the lefthand side of this cable which you say was put on there by this [909] young lady with a rubber stamp? A. That is correct, sir.

Q. And you used just the initials of the different sections of the Department? A. The routing symbols, as we call them, sir.

Q. And then the names that you read off were because those names were checked in pencil or ink, is that right?

A. Yes, sir.

MR. MURPHY: Will you mark that Government's State Exhibits 1 and 1-A, please.

(Marked Government's State Exhibits 1 and 1-A)

MR. MURPHY: I am reading now from the telegram in B code from Paris, dated March 2, 1938 (reading).

Now, that cable came in two sections. The second section has no relation to the Baltimore documents, so I won't read it.

Q. Now, will you tell us, Mr. Anderson, where that telegram was distributed to, particularly the first section which I read, if there is a distinction? A. Distribution was made to the office of the Secretary of State, the Under-Secretary of State, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, the Special Assistant to the Secretary, the Legal Adviser's Office, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division, Far Eastern Division, American Republics Division, Near Eastern Division, [910] Current Information Division—I am sorry I can't make that last one out. It looks like AMC, which would have been the former Commercial Office, but it is obliterated.

Q. Now, so the jury may understand fully, what you have read there, the distribution, that means the distribution of the information copies, is that right?

A. That is correct.

Q. Now, the yellow copy that I have in my hand which has the decimal indexing, that is the action copy?

A. Yes, sir.

Q. Now, just, for example, where did that go?

A. It was routed to the Far Eastern Division initially, and secondarily to the European Division.

Q. And when did it get back to the file room, can you tell us? A. It got back to the file room on March 9, 1938.

Q. In other words, it was a telegram dated March 2, and got back to the file room on March 9? A. That is correct.

MR. CROSS: Mr. Murphy, you can do it either way you prefer, but we consider the second section important, and I shall read it later, if you prefer to wait until then, but I would like to have it read to the jury at sometime.

MR. MURPHY: I think you could read it when you are ready, Mr. Cross.

MR. CROSS: That is all right if you would rather [911] have it that way.

MR. MURPHY: Mark this Government's State 2 and 2-A.

(Marked Government's State Exhibits 2 and 2-A)

THE COURT: I don't think you stated it, Mr. Murphy, that they are all addressed to the Secretary of State.

MR. MURPHY: I thought I said that. Perhaps I should. All of these telegrams are addressed to the Secretary of State in Washington.

I am reading now from the telegram from London dated March 3, 1938, in the (C) code (reading).

Your Honor, would you ask the jurors whether there are any jurors who cannot see the large exhibits?

THE COURT: How about it? Can you all see it?

A JUROR: Could you bring it a little closer, perhaps?

(Blackboard moved closer to jurybox.)

MR. MURPHY: Let me read Baltimore 3 again, it is two pages (reading).

Will you mark these Government's State Exhibits 3 and 3-A.

(Marked Government's State Exhibits 3 and 3-A.)

MR. MURPHY: Now, reading telegram from Shanghai via N.R.—

[912] Q. That means Naval Radio? A. That is correct.

MR. MURPHY: —dated March 11, 1938 (reading).

Q. That is signed by Gauss. Do you know who he is?

A. He was a Foreign Service officer at that post. I think he was the principal officer.

Q. Would he be a U.S. Consul at Shanghai? A. That is correct, sir.

Q. Now, will you tell us how that cable was distributed?

A. Distributed to the Office of the Secretary of State, the Under-Secretary of State, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, Assistant Secretary Wilson, I believe it is, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division, the Far Eastern Division, American Republics Division, Near Eastern Division, Current Information and C.C. I can't

identify that at the moment. I think it is Chief Clerk. It doesn't make sense.

Q. And that was in the gray and plain code?

A. Yes, sir.

Q. Does plain mean that that was a code also?

A. That meant plain English.

Q. Gray code and plain English? A. Yes.

Q. And I see the original and copies of these also went to O.N.I. and M.I.D? A. Yes.

[913] Q. That is the Office of Naval Intelligence?

A. Yes.

Q. And M.I.D. is what? A. Military Intelligence, but those copies were not distributed to those agencies by the telegraph section. That was done by one of the action offices.

Q. And you can tell that by the stamp on it?

A. Yes.

Q. It went originally to the Division of Far Eastern Affairs on March 11, the day it was received, is that right?

A. Yes, sir.

Q. And all those little handwritten signatures mean that those men saw it? A. Yes, sir.

(Marked Government's State Exhibits 4 and 4-A.)

MR. MURPHY: Ladies and gentlemen, I am reading from—

Q. What do you call these, letters? A. A dispatch.

MR. MURPHY: (Continuing) A dispatch on the stationery of the American Consulate, Yokohama, Japan, dated January 6, 1938 (reading).

Now I am going to skip a little bit but I am going to continue to read from what Mr. Anderson has handed me, and just catch phrases, so that you can compare it with the Baltimore:

"New economic organization in Manchukuo," [914] from Consul Richard F. Boyce, date of completion January 6, 1938; date of mailing January 7, 1938.

This says: "New economic organization in Manchukuo, table of contents Sections 1, 2, 3, 4."

I will read Section 3 (reading).

I will read the first paragraph: "Manchukuo's economic organization is principally agricultural, 90 per cent of the population is engaged in agriculture and 80 per cent of the national income is derived from it."

I will read the third paragraph (reading).

I will read from the next page (reading).

Now, I won't read any more from that. I think it gives the jury an idea.

Can you get to the next one?

Q. Now, while these men are looking for the next one, there are a number of stamps on the exhibit I just read, the first page from that American Consulate letter. That would indicate by those stamps a date the different offices that received it, is that right? A. Yes, sir.

Q. I see one, Secretary of State, dated February 15 that it was noted, Far Eastern Affairs, Adviser on Political Relations, Assistant Secretary of State, Mr. Sayre.

Q. Is that his stamp there (indicating)? A. Yes, sir.

[915] Q. February 16 that was? A. Yes.

MR. MURPHY: Your Honor, I have skipped quite a few of the documents, but I did it purposely so that I would not labor the point. There are quite a few of the pages which I did not read but they are available if anybody wants to read them. I have them here if your Honor wants to read them. They will have to be marked, at any rate.

(Marked Government's State Exhibits 5, 6, 7 and 8.)

MR. MURPHY: The jury is now being shown Baltimore Exhibit 9, and I am reading from a cable from Paris dated January 5 in code (D).

Q. Who was our ambassador then, do you know?

A. Ambassador Bullitt.

(Mr. Murphy reads from Government's State Exhibit 9.)

THE COURT: As a preliminary you did not read, or, at least, I did not hear "Strictly confidential."

MR. MURPHY: I am sorry, Judge, yes.

The cable, as I said, was in the (D) code and is addressed to the Secretary, as they all are, and then says "Strictly confidential, for the Secretary."

Now, Section 2 of that telegram states—

Q. What does that mean, Section 2 and Section 1?

[915a] A. Well, the telegrams were sent in sections, when it was a particularly lengthy message, for two reasons that I know of: one was to expedite the onward transmission, and, secondly, to protect the code.

(Mr. Murphy reads from Section 2.)

MR. MURPHY: And a third section from the same telegram (reading).

(Marked Government's State Exhibit 9.)

[916] MR. MURPHY: There is a third section which I will not read, I think.

MR. CROSS: Which section are you reading?

MR. MURPHY: Section 3. I do not see it in the Baltimore exhibit. The cable is dated January 12th from Paris with the legend "Strictly confidential. For the Secretary" (reads).

Then the second section (reads).

And the third section (reads).

And another one of January 12th from Paris in C code (reads).

Q. Now can you tell me how those various telegrams were distributed? Will you identify the first one I read, how that was distributed, the one dated January 5th?

A. Telegram January 5 was distributed to the office of the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, Assistant Secretary Wilson, Political Adviser Hornbeck, Political Adviser Dunn, European Division, Far Eastern Division, American Republics Division and the Near Eastern Division.

Q. And the one dated January 12th?

A. No. 56. It is very unclear, Mr. Murphy, but the marks indicate to the office of the Secretary of State, the Under-Secretary, the office of the Counselor, [917] Assistant Secretary Messersmith, Assistant Secretary Sayre,

Assistant Secretary Wilson, Political Adviser Hornbeck, Political Adviser Dunn, the European Division, the Far Eastern Division, American Republics Division and the Near Eastern Division.

Q. And the last one I read, No. 55.

A. To the office of the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, the Political Adviser Hornbeck, Political Adviser Dunn. The following four distribution points are very unclear. I cannot read them.

(Government's State Department Exhibits 9, 9-A to 9-C, inclusive, marked.)

Q. Now there have been exposed for the jury's view Baltimore Exhibit 10, and you have handed me, Mr. Anderson—what do you call this? A memorandum?

A. It is a Military Intelligence report.

Q. Military Intelligence report? In other words, it originated in the Army, or the Department of War somewhere? A. That is correct, sir.

Q. It is not a State Department document as such?

A. No, sir.

Q. And there was attached to it a thin strip showing [918] the number of different offices in the Department of War and the Department of State and the Commerce Department, is that correct? A. Well, as far as State is concerned it, of course, has not a complete list of all offices in the Department.

Q. No, but the major portion of the list are the various parts of the War Department, Secretary of War, Assistant Secretary of War, G-1, G-3, G-4 and so forth?

A. I believe so.

Q. And then down three-quarters of that are State Department: European Affairs, Near Eastern Affairs, American Republics, Far Eastern Affairs, Office of Philippine Officer and two or three for the Department of Commerce. Now can you tell who received that or how it came into the State Department? Was there an enclosure letter with it?

A. It is impossible to say how it was received in the Department of State. The presumption is—

MR. CROSS: Just a moment. If he does not know and this is presumption, that is the jury's function.

MR. MURPHY: I don't know whether it is the jury's function in toto.

MR. CROSS: He has no knowledge about it.

THE COURT: Was there a practice?

MR. MURPHY: Could you tell from your experience [919] what the practice was?

MR. CROSS: If he has any knowledge about the Far East at this particular time.

THE COURT: He may testify whether or not there was a practice.

MR. CROSS: In the Far Eastern Division. He has personal knowledge it was received from MID.

MR. MURPHY: No. My question is:

Q. Can you tell us from your experience in the State Department what the practice was back in 1937 and 1938 when you received communications from the Army?

A. Yes, sir.

MR. CROSS: This has to do, if your Honor please, with the practice of the Far Eastern Division.

MR. MURPHY: It has nothing to do with the practice in the Far Eastern Division. My question asked of this man is, generally speaking, as an employee of the State Department when the Department of State received a communication from the Army what the practice was.

MR. CROSS: This document itself shows that the only one that received it in the State Department was the Far Eastern Division, so I think the question should be limited to the practice in the Far Eastern Division as to documents received from the War Department. I don't object if he says he has personal [920] knowledge of that in 1938, but generally about the State Department when these documents went to the Far Eastern Division I do not think the witness is entitled to testify.

MR. MURPHY: Your Honor, perhaps I can solve it. I will ask the witness does he know what departments had that document in the State Department.

Q. Do you know? A. I don't understand the question.

Q. Can you tell from looking at that file that you now have which we now record as a MID communication, what different departments, if any, saw that document in the State Department?

A. You mean what different offices in the State Department?

Q. Yes. A. The only evidence on the basis of the document is that it was received in the Far Eastern Division.

Q. Can you tell whether anybody else in the State Department saw it? A. It is impossible to say, Mr. Murphy, other than the Records Division, of course.

Q. And you base that opinion on the fact that the only stamp on it is the Far Eastern and the Records Division stamp? A. That is correct.

Q. But you have no way of knowing who else in the State Department saw it? A. That is correct.

Q. Now my question is what was the practice in the [921] State Department when you received a document from the Army?

MR. CROSS: That I object to, your Honor. Here is a document that is in evidence and the only evidence the State Department has is it was received by the Far Eastern Division alone.

MR. MURPHY: No, it is not alone.

THE COURT: He may state the practice if he knows it.

MR. CROSS: Where it only went to one department?

THE COURT: Yes, sir.

A. Well, the practice was sometimes what we call MID reports, sometimes those reports would come direct to the Division of Communications and Records for recording and routing and sometimes they would go direct to the action office in the department, and other times

they would be given to a specified individual in the department. In other words, the practice varied.

Q. But as you look at the document the only person that you can be sure who saw it was the section of the Far East? A. That is correct, sir.

Q. And that is because somebody there put a stamp on it? A. That is correct, plus the initials.

Q. And you have no idea who else in the Department of State saw it other than the Records Division?

[922] A. That is correct, sir.

MR. MURPHY: Now looking at the Baltimore Exhibit 10, and I am going to read from page 16,624 (reads).

Now I will read paragraph 1 from the next page (reads).

I will read paragraph 3 on the same page and the following paragraph from the same page, 16,625.

MR. CROSS: What page is that?

MR. MURPHY: 16,625.

MR. CROSS: Is that the 8th page?

MR. MURPHY: Yes, it is the 8th page bearing the number 16,625 and I am reading from the third paragraph from the bottom (reads).

MR. CROSS: Now, Mr. Murphy, I think the attention of the jury should be called to the fact that on my photostatic copy there are certain marks on the exhibit about to be marked and I think that ought to be stated to the jury, that on the 7th page is a number in ink, number 1 and number 2.

MR. MURPHY: I will ask the witness.

Q. Do you know, Mr. Anderson, who put those numbers in pencil opposite the paragraph on page 16,624, the numbers 1 and 2 and the numbers 3, 4 and 5 on the next page, 16,625? A. Yes, sir.

Q. Who did that? A. The research personnel in the [923] research section of my branch put those on to identify them with the document.

MR. CROSS: That is in connection with the preparation of the case?

Q. They were put on when? A. At the time we were asked to identify these documents.

MR. CROSS: And there is a mark on the 9th page—a pencil mark.

Q. There is a pencil mark with no number on the 9th page on the righthand side of the fourth paragraph. Have you any idea who put that there? A. No, sir, I do not.

MR. MURPHY: The jury is now looking at Baltimore Exhibit 11, and I am going to have to read a number of cables, because that appears to be made up from quite a few.

THE COURT: Mr. Murphy, are you sure the jury understands what these papers are or what the Government contends they are?

MR. MURPHY: Probably not, Judge. Are you looking at Baltimore 11?

THE COURT: Yes. I am referring particularly to these papers, the first page of each one of your exhibits.

MR. MURPHY: I will explain it. Ladies and [924] gentlemen of the jury, what you are looking at here is an enlarged photograph of one part of Baltimore Exhibit 11. Baltimore Exhibit 11 consists, for our purposes, of three parts which, in turn, are made up from a number of different telegrams and cables, so that we will refer to them as Baltimore 11, Part 1, Baltimore 11, Part 2, and Baltimore 11, Part 3, and it will necessitate reading the cables from which it was all made up and I hope I can do it in the order in which they are on the exhibit.

Now the first paragraph of the Baltimore exhibit, Part 1, reads January 22 from Tsing Tao. I will read cable-telegram from Tsing Tao via NR and USS Marblehead—

Q. That means "Naval Radio"? A. And that naval vessel, yes, sir.

Q. And it is undated. Received January 23, 1938, and it is in the gray code for the War Department from Dorn, although it is addressed to the Secretary of State.

What does that mean, Mr. Anderson? It is addressed to the Secretary of State and says "For War Department from Dorn"? A. They are using Navy and State facilities for getting the message through to the War Department. In other words, transmittal through the State Department.

Q. So this message had to be delivered from the State Department to the War Department?

A. That is correct.

[925] THE COURT: Mr. Murphy, I don't want to interrupt. You probably won't be able to finish this. It is one o'clock, so I think we had better suspend until 2:15.

(Recess to 2:15 p. m.)

Afternoon Session

MR. MURPHY: With your Honor's permission, may I call two witnesses out of turn. They will take but a few minutes.

MR. CROSS: I have not any objection. But we checked up on the memorandum and someone from the court will have to check it. It will be in your hands tomorrow morning.

THE COURT: Will you need it tomorrow?

MR. CROSS: You won't need it until some time tomorrow.

MR. MURPHY: If you do need it, you will have plenty of time to read it and ours will be there too and ours will be short.

MR. CROSS: And we will have it here tomorrow morning because someone has to look it over and put it in final shape.

THE COURT: I will have to look up the cases myself.

[926] CHARLES W. HEFLIN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Heflin, are you employed by the District of Columbia Director of Vehicles and Traffic?

A. That is correct.

Q. And did you pursuant to subpoena bring with you your department's certificate of title of a motor vehicle registered in the name of Alger Hiss, Ford automobile, Model A, 1929? A. I did.

Q. And does that certificate of title have on the back of it the assignment of title? Or is that a separate instrument? A. Yes, sir, it does.

Q. It is all on one certificate? May I see it, please? A. (Handing.)

Q. What is the pink copy? It says "Certificate of Examination and Inspection." Is that usually attached to the certificate of title? A. That is correct.

(Document handed to Mr. Cross.)

MR. CROSS: No objection.

MR. MURPHY: Mr. Cross has no objection. Will you mark it as one exhibit.

(Marked Government's Exhibit 49.)

THE COURT: Certificate of registration?

[927] MR. MURPHY: Certificate of title. They call it "title" in the District.

Q. Is that what you call it? A. That is right.

MR. MURPHY: In New York we call it certificate of registration.

Q. So that on one page it shows the automobile registered in the name of Alger Hiss when he lived at 3411 O Street, NW, Washington, D. C., and on the back shows the assignment of an automobile to whoever received it thereafter, and then the pink part is the certificate of the automobile dealer that the automobile has been checked? A. No, sir. That is the certificate of inspection by the District of Columbia.

Q. That is originally, in 1929, they looked at it?

A. No, 1936, I believe, or 1933.

Q. That is they looked at it in 1936?

A. That is right.

Q. And checked the motor number? A. Complete physical inspection.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Mr. Heflin, this certificate of title has a date on its first page July 24, 1936. What does that indicate?

A. That indicates the day that William Rosen applied for title and tags and afterwards was assigned to the [928] dealer.

THE COURT: A little louder, please.

THE WITNESS: The date July 24, 1936 indicates the day that William Rosen applied for title and tags in his name.

Q. That is on the face of the certificate of title, but it has not anything to do with the original issuance of the certificate of title? A. That is correct.

Q. On the back of the assignment of title it says "For value received, the undersigned hereby sells, assigns and transfers unto Cherner Motor Company, 1781 Florida Avenue, NW" and then the motor vehicle number and that is signed by Alger Hiss and then it is sworn to on July 23, 1936, before W. Marvin Smith, notary public?

A. That is right, yes, sir.

Q. And what follows is a reassignment?

A. That is right.

Q. By the Cherner Motor Company? A. That is right.

Q. To one William Rosen? A. Correct.

Q. And then after that reassignment from the Cherner Motor Company to William Rosen, whose address is given as 5405 13th Street NW, then there is a space here "Purchase application for new certificate of title" and that is dated July 23, 1936? A. That is right.

Q. And then after that was signed by Rosen, the [929] new assignee, a new certificate of title was issued and the stamp was put on July 24, 1936? A. Yes, sir. That is the cash register stamp.

Q. And in fact did the Director of Vehicles and Traffic subsequently issue a certificate of title to this vehicle to William Rosen? A. He did.

Q. And does your record show on what date that was issued? A. On July 24, 1936.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. May we borrow this and photostat it and return to you the original or mail it to you?

A. Yes. That will be all right.

Q. Just before you go: the assignment of title by Alger Hiss was on the 23rd of July to the Cherner Motor Company, is that right? A. That is correct, yes, sir.

Q. And then Mr. Rosen got it from the Cherner Motor Company also on the 23rd of July? A. That is correct.

Q. And Mr. Rosen applied for a license in his own name on the 23rd of July? A. Well, he applied on the 24th, sir. He filled the application on the 23rd but applied on the 24th.

Q. In other words he applied the next day?

A. That is correct.

[930] Q. And this date on the Cherner Motor Company's, July 23 down here (indicating), what does that indicate? That they registered it with you?

A. This is a District Government inspection. That is the day he took the car in for inspection.

Q. Who took the car? A. He or his agent.

Q. Either the Cherner Motor Company or Rosen or someone authorized by both?

A. Yes, sir.

Q. So all in a matter of two days the title changed hands twice? A. Yes, sir. That is correct.

MR. MURPHY: Thank you.

(Witness excused.)

[931] SAMUEL A. MENSH, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Mensh, you are connected with the Cherner Motor Company, are you? A. That is correct, sir.

Q. I think you are the treasurer? A. Vice-president.

Q. Vice-president? A. Yes, sir.

Q. And did you have a somewhat similar position back in 1936? A. I did.

Q. The Cherner Auto Company is a company in the District of Columbia? A. That is correct.

Q. And do you deal in all types of cars or any particular type? A. We deal in Ford cars and any type of used car. New Fords.

Q. In other words, you had a Ford agency, I take it?

A. That is correct.

Q. And any car that came in on a turn-in or trade-in, you sold the new Ford and credited them with the old car?

A. Yes.

Q. Now, have you examined the Cherner Motor Company records in connection with the Ford automobile that was originally registered in the name Alger Hiss? A. We examined what records we had back from 1936.

Q. Well, specifically, Mr. Mensh, did you look [932] through your company records for the 23rd of July 1936, the 22nd of July 1936, and 24th of July; in other words, both days on either side of the 23rd of July 1936?

A. Our invoices.

Q. Your invoices? A. Yes, we did.

Q. And that was for the purpose of ascertaining whether you had records showing the purchase of a Ford automobile from Alger Hiss, is that correct? A. That is correct, sir.

Q. And was it your practice— A. That is, for the purpose of telling whether we had made a deal or whether we had an invoice for a certain car or any transaction with Alger Hiss.

Q. In other words, you examined your records in order to determine whether you had a record of that transaction?

A. Yes, sir.

Q. And did you know at the time you made this search that there was a certificate of title and an assignment of title in which your name was registered as the assignee of a certain Ford automobile?

THE WITNESS: Would you repeat that again, please?

Q. I want to find out if the purpose of examining your records was to ascertain whether or not your company had a deal around that time involving a Ford automobile that was [933] formerly in the name of Alger Hiss? A. That is right.

Q. And in order to do that you say you examined your invoices on either side of July 23? A. That is right.

Q. And, of course, on July 23? A. That is right.

Q. And as a result of that examination did you find that your invoices all ran in consecutive numbers?

A. We did, sir.

Q. And you found that none were missing? A. None were missing.

Q. And did you find any record of this deal? A. No, sir.

Q. You did not? A. We did not.

Q. Now, would you recognize Mr.—what is your partner's name? A. Henry J. Girtler.

Q. Girtler. Would you recognize his signature if I showed it to you? A. I think so.

Q. I am showing you Government's Exhibit 49, about the second column. A. That appears to be his signature.

Q. That is his signature? A. Yes.

Q. And is your signature on there at all? A. Yes.

Q. In what way? A. As vice-president of the company as signing for the Cherner Motor Company, assigning the title.

Q. And he took the signature as the notary? A. He is the notary public.

[934] Q. So you did sign the reassignment of title from your company to William Rosen, is that right?

A. That is right.

Q. And that indicates to you that your company had something to do with the transaction? A. We must.

Q. But your records fail to show? A. Fail to show any transaction, that is correct.

Q. And, I take it, that you have no idea who William Rosen is? A. No, sir, I would not know him. I do not know him.

Q. You do not know him? A. No, sir.

Q. Do your records indicate who he is at all?

A. No.

Q. Do your records indicate how much you received other than the fact that you have $25 down here on this reassignment? A. Our records indicate no cash, no transaction at all.

Q. Nothing? A. Nothing.

Q. In other words, you went through your invoices numerically and they are all in order? A. They are all in order, yes, sir.

Q. And you found nothing? A. Nothing there on that transaction at all.

MR. MURPHY: Thank you. You may examine.

[935] *Cross Examination by Mr. Cross:*

Q. Do you know Alger Hiss? A. Beg your pardon, sir?

Q. Do you know Alger Hiss? A. No, sir.

Q. You have never seen him before? A. I don't recollect ever seeing him before.

Q. Now your company is the Cherner Motor Company, 1781 Florida Avenue in Washington? A. That is correct, sir.

Q. Is that a Ford agency? A. Ford agency, yes.

Q. Comparatively is it a large concern? A. Well, it is the largest in Washington.

Q. Largest in Washington? A. Largest Ford dealer in Washington.

Q. Beg your pardon? A. Largest Ford dealer in Washington.

MR. MURPHY: Are you talking about 1936?

THE WITNESS: I am talking about 1936.

Q. And you have continued to be the largest Ford agency in Washington? A. Yes, we have.

Q. You deal in both new and secondhand cars?

A. Yes, sir.

Q. And did in 1936? A. That is correct, sir.

Q. Mr. Mensh, I am going to read you this reassignment here which follows the assignment of the Cherner Motor Company, and the assignment there, except for the matter of the date in the oath, is in longhand, written in ink, [936] is it not? A. Except for what? The date?

Q. Except for the date of the oath, and Alger Hiss's name in the oath. A. That is correct.

Q. In other words, the words "Cherner Motor Co., 1781 Florida Avenue, N. W."— A. Northwest.

Q. —northwest, and the name "Alger Hiss" is in longhand? A. That is correct.

Q. In ink? A. Yes.

Q. And then there is typed "None," and then "23 July 36" and the words "Alger Hiss" and it is sworn to before W. Marvin Smith, is that right? A. That is right.

Q. Then there follows this reassignment, and there is typed in the name William Rosen, 5405 13th Street, Northwest? A. Yes.

Q. And then the figure, or under "Amount" the figure $25.00 chattel 7-23-36, favor of Cherner Motor Company"—that is typed, is it not? A. That is typed.

Q. And that was typed in the office of the Cherner Motor Company, wasn't it? A. I should say it would be, yes.

Q. Typed in the office of the Cherner Motor Company?

A. Yes.

Q. And also the word "None" up above here in the assignment of title, and the date "23 July 36" and "Alger Hiss" was likewise typed in the office of the Cherner [937] Motor Company, wasn't it? A. Say that again, sir. I didn't follow it.

Q. I say, the typing in the assignment of title of the word "None" and "23 July 36" and "Alger Hiss"—

A. I couldn't say where that would be typed, sir.

Q. No, you could not, but you are reasonably certain that the typing of the reassignment was done in the office of the Cherner Motor Company? A. I would say that is where that would be done, yes, sir.

THE COURT: A little louder, please, so we can all hear.

Q. Now, this $25 chattel 7/23/36, favor of the Cherner Motor Company, that means a chattel mortgage, doesn't it?

A. Yes, sir, that means a chattel mortgage.

Q. And you don't have the chattel mortgage? A. We apparently did not have a chattel mortgage on it.

Q. And then after that signature of assignor, Cherner Motor Co. by S. A. Mensh—that is you? A. That is me.

Q. And then "On this 23rd day of July 1936, before me, the subscriber, a notary public of the District of Columbia personally appeared S. A. Mensh who made oath in due form of law that the above statements are true. Witness my hand and notarial seal, Henry J. Girtler, notary public"? A. Yes.

Q. Is that Henry J. Girtler someone in the Cherner—

[938] A. He is the treasurer of the company.

Q. Treasurer of the company? A. Yes.

Q. And was at that time? A. Yes, was at that time.

Q. And you were vice-president of the company?

A. That is right.

Q. Well, do you mean that now with that called to your attention that your testimony is that on July 23, 1936 the Cherner Motor Company did not have a chattel mortgage of $25? A. If we did we do not have any record of it, sir.

Q. Well, aside from the matter of records, that is your signature and you swore that the same was true? A. That is absolutely correct.

Q. Now, looking back with that signature have you any doubt but what you had a chattel mortgage at that time?

A. I might say yes, there is some doubt.

Q. Well, did you check on this to find out whether the statement— A. We don't have any record, sir, that—

Q. No. I say, before you swore that those statements were true did you check? A. I don't check any of these. I get 10 or 12 or 15 titles—I would say that in the year

1936 I probably signed 5500 of these, 6000 of these. I have probably signed since then 50,000 of them.

Q. Now, who would bring them to you? A. Mr. Girtler or someone in the office already made out with my name typewritten in it, and then I would simply sign it.

[939] Q. Well, there is not any question but what if it is a mistake, that it was in the organization of the Cherner Motor Company? A. I would not want to say, I couldn't answer that.

Q. But all of this was done by you and your organization, wasn't it? A. That is correct.

Q. And the matter of any loss of records—

MR. MURPHY: There is no question of loss of records at all, is there?

Q. Well, did you look to see if you had a chattel mortgage? A. We looked at the invoices, and there is no—

Q. No, did you look if you had a chattel mortgage?

A. No, not that I know of.

Q. In what form do you keep your chattel mortgages?

A. Well, you are, frankly, asking me something out of my jurisdiction. Mr. Girtler is the office manager and treasurer of the company. He would know more about that situation than I would—I mean, about how they keep those things. Going back to 1936, you know, those are pretty old records.

Q. I realize that, and that is why I called that signature to your attention. Now, is he still with you?

A. He is still with us.

Q. And this matter of the checking, is he the one who had checked to see if you really got a car that day and [940] whether or not there is a chattel mortgage? A. He has checked all of his records—

Q. No, I say, is he the one who would ordinarily in 1936 before presenting this title to you to sign check to make sure that the statements were true? A. That is right, he would be the one.

Q. And he was treasurer of the company? A. That is right.

Q. And you relied upon his checking and his statements when you swore that they were true? A. That is right.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. Mr. Mensh, so that we can have a rather clear picture of the condition of your company's records, can we say that none have been lost; is that a fair statement? A. I would say that—I wouldn't say that, no, sir. I would say that during that period of time that you speak of, none of those records had been lost. During that period of time the numbers ran consecutively on the invoices.

Q. In other words, talking now about your company's records for July of 1936, you still have those records, have you not? A. Yes.

Q. And you have made a diligent search through those records? A. That is correct.

Q. And you have found the records to be in order, [941] no papers missing? A. No papers missing as far as invoices are concerned.

Q. And that is where you would look in order to find this deal in the invoices? A. If there were a deal that is where it would be, yes, sir.

Q. In other words, you would not look in any other places, just invoices? A. That is correct.

Q. And you and your employees have made a diligent search of those? A. Yes.

Q. And you found them to be in perfect order? A. For that period of days, yes.

Q. I am only talking about that; that is where it would be on those days? A. Yes.

Q. And you found them to be in consecutive order?

A. Yes.

Q. And you are unable to find any record of that deal?

A. I am unable to find any record of that deal.

Q. Now, I just noticed that the assignment says that for value received you have made the assignment to William Rosen, and then you took back a chattel mortgage.

Can we assume that you received some money? A. I couldn't answer that. Frankly, I can tell you that in many cases—

MR. CROSS: Just a moment, I can't hear him.

MR. MURPHY: Will you keep your voice up a little bit.

[942] A. (Continuing) In many cases we have people, customers or friends of customers, or anybody who wants, come in, and want us to secure a title and tags for them, for instance, and we gladly accommodate them. We secure tags and title for them. For instance, if you move to Washington and somebody tells you to come to Cherner Motor Company and you wanted to secure tags and title, you would come to us, and as an accommodation we would secure your tags and title for you.

Q. What does that mean, "secure tags and title"? Would it mean you would make out an assignment of title?

A. Well, assuming you lived in the district, or you had a car in the district and you wanted to transfer it or sell it to a friend of yours, or give it to a friend, or transfer it to some other name, maybe your wife's name, if you came to us we would handle it for you.

Q. In other words, you would have me fill out the assignment to my wife? A. That is right.

Q. And my wife to you as the Cherner Motor Company?

A. Yes.

Q. And then you would make out an assignment to her from you, is that right? A. Not necessarily the Cherner Motor Company if we were not in the deal at all. If, of course, you were trading a car to us—

Q. No, but you suggested that sometimes as a matter [943] of courtesy to your friends— A. That is right.

Q. —you would get their tags for them? A. In that case you would assign the car direct to your wife.

Q. The Cherner name would not appear in the certificate at all? A. That is right.

Q. You see, that does not help us very much. We are interested here where it says that the Cherner Motor Company assigned. That name appeared on the assign-

ment. So the example you suggested would not help us, would it?

A. Not in this particular case.

Q. Not only would it not help us there, because you would not take back a mortgage if you were doing it as an accommodation, would you? A. The only time we might if we wanted the title delivered back to Cherner Motor Company for some reason—on a cash transaction the title is direct to the person the car is assigned to. If there is any chattel on the car and for some reason or other you wanted the title, and you were going to be away or you were moving, or something like that, and you said, "I would like to pick the title up to have it delivered to Cherner Motor Company," and if there is a chattel on the title, then it would come back to Cherner Motor Company.

Q. But in the ordinary situation where you take back a chattel mortgage, doesn't that mean to the ordinary person that the person who bought the car did not pay the full [944] purchase price? A. Ordinarily, yes, sir.

Q. And in order to secure the balance of the purchase price the company took back a chattel mortgage; isn't that the run-of-the-mill, garden variety case of a chattel mortgage? A. That is right.

Q. And looking at that, the second paragraph where your company assigned the title after you received it from Mr. Hiss, the title, you took back a chattel mortgage from Mr. Rosen, that is what the Motor Vehicle records show, is that correct? A. That is correct.

Q. And wouldn't that indicate at least on its face, one, that you received something, we don't know how much; and, two, Mr. Rosen owed you $25, and you took a mortgage on the car to secure that loan? A. That is what it would appear.

[945] Q. Now when you have been unable, after a diligent search through your records, to find the transaction, you have looked in your invoices, the only place where your records would be recorded? A. That is right.

Q. If you did in fact take back a chattel mortgage you would do something with that chattel mortgage?

A. I would think so.

Q. You perhaps might file it somewhere?

A. Might.

Q. And if you would file it it would be a matter of record in the District of Columbia, is that correct?

A. I should say that would be correct.

Q. I mean that is the practice, isn't it? A. Yes.

Q. And if you did not file it then it would be in your folder where you hold your chattel mortgages?

A. Right.

Q. You have no independent recollection what happened here, have you? A. No, sir, I have not.

Q. But did you and your employees make a search, not only of the invoices, but did you look through the chattel mortgages? A. Those are the only records we have from 1936—the invoices. And just fortunately we happened to have those. They were in pretty bad shape and we got them together.

Q. But you have no records of your chattel mortgages?

[946] A. As far as I know we have not.

Q. Was it the practice for your company to file the chattel mortgages? A. I am afraid I cannot answer that. Mr. Girtler would have to answer that.

MR. MURPHY: Thank you very much.

Recross Examination by Mr. Cross:

Q. Now, Mr. Mensh, all you have said about the records you can find are the invoices? A. The invoice is the only record we have for 1936.

Q. What other records would you have kept at that time of a transaction such as this purports to be on its face, namely, where you got a car transferred to the Cherner Motor Company, so far as the record title goes, by Alger Hiss, with no encumbrance on it, no chattel mortgage on it—and, by the way, doesn't that certificate of title from Alger Hiss show that there is no chattel mortgage on it when it is transferred?

A. That is right.

Q. And that is typed in? A. That is typed in.

Q. And then the $25 chattel mortgage below is also typed in on the reassignment? A. That is right.

Q. And that would indicate that at that time a chattel mortgage was signed and a mortgage note was signed from Rosen running to the Cherner Motor Company, wouldn't it?

A. That is what it would seem to indicate, yes, sir.

[947] Q. Do you have your records of your notes receivable?

A. No, sir. We have no other records other than the invoices.

Q. Now you would find a mortgage note in your notes receivable, would you not? You would expect to find in your notes receivable account a record of the mortgage note for $25? A. If we had 1936 records I imagine there would be, yes.

Q. And in addition you have what you described as your chattel mortgage file. What kind of records do you keep for that? A. I did not describe any chattel mortgage file.

Q. I am sorry. Perhaps Mr. Murphy asked you about it. What kind of records did you keep if you had chattel mortgages? A. Every deal we made was put into an individual jacket with the name of the purchaser in that jacket and file number. You can readily see with 55 or 60 thousand transactions since that time you would need quite a space to keep them.

Q. We all do that every so often—get rid of the old files. A. We did definitely. I mean we had these invoices and that is all we had. We searched our records pretty thoroughly for any other evidence in this thing. That is all we have.

Q. You would have a folder for William Rosen, wouldn't [948] you? A. If we had—if there was a transaction we would, yes, sir.

Q. From that it certainly indicates there was?

A. If we had a transaction and had the 1936 records there would have been a folder.

Q. And in that folder would be the chattel mortgage?

A. A record of the whole transaction.

Q. And not only that folder, but all the other folders for the period, perhaps subsequent to 1936, you have destroyed for purposes of saving space?

A. That is right.

Q. And there is nothing on that to indicate that the chattel mortgage did not represent the entire purchase price, is there? A. What was that question again?

Q. There is nothing on the records that you have in front of you to indicate that the entire purchase price was not the $25 chattel mortgage, is there?

A. No, there is not.

Q. What record would you keep of the payment of the mortgage note? Were those books destroyed too?

A. Well, they probably are. I mean back of 1936.

Q. So that everything— A. If there were any they probably would have been destroyed.

Q. Every record that you have except the sale, or the invoice that represents the purchase or sale, have [949] been destroyed in the ordinary course of business?

A. Yes, sir.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. I hate to labor the point, but you said the mortgage would represent the total price if there was a transaction. In other words the $25 chattel mortgage which it says you took back represents the whole cash transaction? A. No. I did not say that. I did not mean to say that if I did.

Q. There would be that, plus the value received for the car? A. That would be correct, yes.

MR. MURPHY: I just wanted to straighten that out. That is all. Thank you.

MR. CROSS: Thank you very much.

(Witness excused.)

WALTER H. ANDERSON, resumed the stand.

MR. MURPHY: While Mr. Anderson is getting his papers in order, during the noon recess we typed up a list

which gives the symbols that Mr. Anderson reads from on his copy there, and then the explanation of the symbols, and I am going to ask that that be marked as Government's Exhibit 50.

(Marked Government's Exhibit 50.)

MR. MURPHY: And then I will give your Honor [950] a copy and I hope I have enough for the jury (handing).

Now, your Honor, I was up to Government's Exhibit Baltimore 11 and was going to read the State Department cables upon which that was based.

Now if you recall we have divided Baltimore Exhibit 11 into parts and we were reading the first part, and I am not too clear, your Honor, whether the jury knows that these large photographs are the enlarged photographs of the various Baltimore exhibits that Mr. Chambers has introduced as having been received from Mr. Hiss. So I think what I will do is keep these Baltimore exhibits here and as I come to each page I will turn over the page, or if a juror wants to see it I can show that it is an exact copy—a photograph in fact.

MR. CROSS: We will stipulate that.

MR. MURPHY: I am reading from a cable in gray code from Tsing Tao via naval radio and USS Marblehead, undated, and received January 23, 1938, for War Department from Dorn (reads).

Direct Examination continued by Mr. Murphy:

Q. Now that was distributed how? Do you have a separate distribution sheet on that one? I think it will save time if you tell us how the distribution was as I read each one. A. Tsing Tao undated was distributed to the office of the Secretary of State, the Under- [951] Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, Assistant Secretary Wilson, Political Adviser Hornbeck and the Far Eastern Division.

MR. MURPHY: Now I am reading from a cable dated Hangkow via naval radio dated January 22, 1938, from a man named Johnson. It is headed "Following for War Department from Colonel Stilwell (reads).

Q. The "end gray" means end of gray code?

A. That is correct, yes.

Q. The code otherwise was in A? A. That is correct.

(Mr. Murphy concluded reading cable.)

Q. How were they distributed? A. That was distributed to the office of the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Wilson, Political Adviser Hornbeck, Dr. Feis and the Far Eastern Division.

MR. MURPHY: The next is from Peiping and in the gray code dated January 27, 1938, and it reads (reads).

Q. Will you tell us how that was distributed?

A. To the office of the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, [952] Political Adviser Hornbeck, Dr. Feis, the Far Eastern Division, the Current Information Division, the Foreign Service Administration Division and "CC"—I am not clear on that, but I think that is the Chief Clerk.

MR. MURPHY: The next one is from Berne, dated January 28, 1938.

MR. CROSS: Mr. Murphy, was "CI" mentioned there?

THE WITNESS: Yes, sir.

MR. MURPHY: Reading now the telegram from Berne, Switzerland, dated January 28, 1938 (reads).

Q. How was that distributed? A. The office of the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, Assistant Secretary Wilson, the Special Assistant, Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division, the Far Eastern Division, American Republics Division, and the Near Eastern Division.

MR. MURPHY: The next one is from Peiping dated January 28th in gray cable. The last code I forgot to

mention, the one from Berne was in B. (Reads cable from Peiping.)

Q. Embassy's 63." That means Code No. 63?

A. Telegram No. 63.

(Mr. Murphy continues reading cable.)

[953] Q. Now can you tell us how they were distributed. I think perhaps if we can agree that the first five names on that are in one group you can just say "the top five" which would include Mr. Sayre's office. I think that will save time. A. The top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division, Far Eastern Division, American Republics Division, Near Eastern Division, Current Information Division, CC, Chief Clerk I think that is, and Munitions Control Division.

MR. MURPHY: Maybe we can agree on that. Is it on our list?

MR. CROSS: That is right. My copy indicates a copy went to Mr. Savage.

THE WITNESS: That is correct. It looks like Savage.

Q. Who is Mr. Savage? A. He was an adviser to the Secretary.

MR. MURPHY: Now the next is from Milan, a man by the name of Sholes—

Q. Was he the Minister there? A. American Consul.

MR. MURPHY: It is dated January 29, 1938 (reads).

Q. Can you tell us how that was distributed?

A. The top five, Special Assistant, the Legal [954] Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division, Far Eastern Division, American Republics Division, Near Eastern Division, Current Information Division, Chief Clerk, Munitions Control Division and Mr. Savage.

(Government's State Department Exhibits 11 and 11-A marked.)

MR. MURPHY: We are coming now to Baltimore 11, Part 2. This commences with January 28th, London.

THE WITNESS: Is that 11, group 2?

MR. MURPHY: Yes, 11, group 2. It starts with Lockhart, U. S. Embassy, January 29th.

Now, with part 2 of Baltimore 11 exposed to the jury I am reading the telegram from Peiping dated January 29th, signed by Lockhart (reads).

Q. Will you tell us the distribution on that?

A. To the top five, to Legal Adviser, Political Adviser Hornbeck, Dr. Feis, Far Eastern Division, Current Information Division, Foreign Service Administration Division and the Chief Clerk.

MR. MURPHY: The next is from Ambassador Grew at Tokyo, January 30, 1938 (reads).

Q. And how was that distributed?

A. To the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser [955] Dunn, Dr. Feis, European Division, Far Eastern Division, American Republics Division, the Near Eastern Division, the Current Information Division, the Chief Clerk and the Munitions Control Division.

I would like to make a statement here, Mr. Murphy. On some of the distributions the distribution clerk made X's rather than a check mark and it is not clear in the department whether the X mark means actual distribution to this office or whether they were simply shown a copy.

Q. And you have no way now of telling which?

A. That is correct. In any event a copy was made available, but not necessarily left at this point.

Q. Tell us for what offices. A. In this particular message they were the European Division, the American Republics Division and the Near Eastern Division.

Q. I suggest when you come to something like that, Mr. Anderson, you just say "X" and that would indicate the two possibilities that you have just told us about.

A. Yes, sir.

MR. MURPHY: The next is dated January 31, 1938 from the Second Brigade, United States Marine Corps.

Q. You better tell us what that means. It says "Info." A. It means for the information of the American Consul at Shanghai. I cannot identify the rest. It is [956] Navy terminology and it does not mean anything to me.

(Mr. Murphy reads cable from Second Brigade, United States Marine Corps.)

Q. That is not even signed, is it? A. No, sir.

Q. And how was that distributed? A. To the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division (that has an X), Far Eastern Division, American Republics Division is an X, Near Eastern Division is an X, Current Information Division, the Chief Clerk, the Munitions Control Division and Mr. Savage.

MR. MURPHY: Now the next is an outgoing cable. That is green as I look at it.

THE WITNESS: Yes, sir.

Q. What is the practice with regard to outgoing cables? A. Outgoing cables are always prepared on green pre-printed paper.

Q. By "pre-printed" you mean it has the "Department of State" already printed on it?

A. It has.

Q. And is then translated into a code and put on the words? A. Yes, sir, depending on the type of the message, yes, sir.

Q. Can you tell me by looking at this in what code that went out in? A. Yes, sir. That was transmitted [957] in the C code.

Q. C? A. Yes, sir.

Q. And it was from Secretary Hull; that is, his name was signed on it? A. Yes, sir.

MR. MURPHY: It is sent to the American Embassy at Rome, dated January 31, 1938, by Mr. Hull (reading).

Q. And that is the telegram I said was from Milan?

A. That is correct.

Q. And was that sent around the department too?

A. Yes, sir.

Q. In other words even outgoing telegrams, were they reduced to an information copy too? A. Yes, sir.

Q. And the same procedure; the stencil made, and so forth? A. That is correct. Certain categories; route administrative messages were not, but any messages of interest to more than one or two divisions were prepared similarly to the incoming. In other words the mimeograph master sheet and copies run off.

Q. Who in the Department received copies of that?

A. The top five, the Special Assistant, Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division, Far Eastern Division, American Republics "X", Near Eastern Division "X" and Munitions Control Division and Mr. Savage.

(Government's State Exhibits 11-A, (Group 2) [958] marked.)

MR. MURPHY: The next is January 24, London. There is being exhibited to the jury the Baltimore Exhibit 11, Group 3, and I will read from a London cable dated January 24, 1938 "Confidential" (reading).

Q. How was that distributed? A. To the top five, the Special Assistant, Political Adviser Hornbeck "X", Political Adviser Dunn, the European Division, Far Eastern Division "X", and American Republics Division "X", Near Eastern Division "X", Current Information Division, and Chief Clerk, and the Munitions Control Division.

MR. MURPHY: The next is dated January 21, from Seville, and is in A code "Strictly Confidential" (reading).

Q. How were they distributed?

A. To the top five, the Special Assistant, Legal Adviser, Political Adviser Hornbeck "X", Political Adviser Dunn, the Economic Adviser, Dr. Feis, European Division, Far Eastern Division "X", American Republics Division "X", Near Eastern Division "X", Current Information Division and the Chief Clerk.

(Government's State Exhibits 11 and 11-A (Group 3) marked.)

MR. MURPHY: Baltimore Exhibit 11, Part 4, in gray code, from London, signed by Johnson.

[959] THE COURT: I cannot see whether the top sheet attached to each one of these is also shown on that board.

MR. MURPHY: Yes, it is, Judge. The top sheet you have is an exact copy of the Baltimore paper and what the jury is looking at is an enlarged photograph of the same paper.

In other words, the Baltimore papers are here and you have an exact photograph and the jury is looking at an enlarged photograph.

THE COURT: And these are the Baltimore exhibits—the outside sheets?

MR. MURPHY: That is right. In other words, I am showing to the jury that each of the Baltimore papers is made up either, one, of an exact quote from an official State Department document, or it is a paraphrase of some sort of a copy from a State Department document.

THE COURT: And this first page is just that?

MR. MURPHY: Just that, your Honor.

THE COURT: Either a copy or—

MR. MURPHY: A paraphrase or summary.

THE COURT: Or summary of the contents?

MR. MURPHY: Yes, Judge.

[960] MR. MURPHY: This is a gray cable from London signed by Johnson, dated January 28, 1938, and the jury is looking at Baltimore 11 (group 4).

"Strictly confidential" (reading from exhibit indicated).

BY MR. MURPHY:

Q. How was that distributed? A. To the top five, to the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, European Division, Far Eastern Division "X", American Republics Affairs "X", Near Eastern Division "X". That is all.

MR. MURPHY: May I have one from Ambassador Bullitt, January 25?

(Telegram referred to handed to Mr. Murphy.)

MR. MURPHY: Reading from Ambassador Bullitt's telegram from Paris, dated January 25 in a D code, two sections: "Strictly confidential for the Secretary"—

THE WITNESS: This was not previously in evidence.

MR. MURPHY: Oh. We have a copy of that, your Honor, I am sorry (handing).

Telegram No. 136 from Paris—

MR. CROSS: May we have a copy?

MR. MURPHY: There should be another copy.

THE COURT: Here is another copy (handing).

MR. MURPHY: As I said, telegram No. 136 from [961] Paris (reading exhibit indicated).

Q. Now, how was that distributed? A. To the top five, to the Special Assistant, Political Adviser Hornbeck, Political Adviser Dunn, the European Division, Far Eastern Division "X", American Republics Division "X", Near Eastern Division "X". That is all.

MR. MURPHY: Your Honor, may we mark that as Government's State Exhibits 11-A (group 4), 11-B (group 4) and 11-B-A (group 4).

(Marked Government's State Exhibits 11-A (Group 4), 11-B (Group 4) and 11-B-A (Group 4).)

MR. CROSS: May I have the photostatic copy that shows the distribution? I have never seen it.

MR. MURPHY: You can have the original. Look at it.

THE COURT: Does the jury want to recess?

(Short recess)

MR. MURPHY: Now, your Honor, the jury is looking at Baltimore Exhibit No. 12, and I think you have it there, and it is a memorandum, I take it, Department of State, Division of Far Eastern Affairs, dated February 7, 1938.

Q. Now, that is the first time, Mr. Anderson, so far we have run into an interoffice memorandum, is that right?

A. That is correct, sir, but this is not, strictly speaking, an interoffice memorandum for the reason that it [962] is written within a division but not necessarily directed to any other division.

Q. But it originates right in the Department in Washington? A. Yes, sir.

Q. And the caption indicates what division it originates in? A. Yes.

Q. Department of State, Division of Far Eastern Affairs. The significance of the establishment of the Manchukuo heavy industries development, and it appears to be MMH in blue initials. Who is that? A. Mr. Hamilton.

MR. MURPHY: Inasmuch as it is an eight-page memo, I will just read selected paragraphs to show to the jury that the Baltimore exhibit is actually a copy of an original State Department document. So I have read the date and the title. Now, the first paragraph (reading first paragraph).

I will just skip at random.

The fourth paragraph (reading fourth paragraph).

Then the paragraph from the fourth page of the original (reading).

Then I will skip a page (reading further).

And then the last page, the initials MMH, which the witness said was—what?

THE WITNESS: Maxwell M. Hamilton.

(Marked Government's State Exhibit 12.)

[963] MR. MURPHY: Now we come to Baltimore 13, but before I come to that:

Q. Can you tell, Mr. Anderson, in connection with the exhibit I just read how that was distributed in the Department? A. It was routed to Political Adviser Hornbeck, Assistant Secretary Messersmith's Office, the commercial section of it; to the Economic Adviser; it was seen in the Office of the Secretary of State; it was attached to this file, Mr. Murphy, and wherever this file went this was with it.

Q. You are now referring to the file which I just read which was the—dispatch did you say? A. Yes, sir.

Q. —dispatch from Yokohama dated January 6,

1936, and we learned because of the various stamps on that that amongst other places it was in Mr. Sayre's office?

A. Yes, sir.

Q. And that was part of this that I now have in my hand? A. Yes, sir.

MR. CROSS: Now, before you come to that I would like the original of Exhibit 13.

MR. MURPHY: I am showing Mr. Cross the original State Department document on which Baltimore 13 was prepared.

Your Honor, while Mr. Cross is looking at that, can I again explain to the jury that on all of these Baltimore papers is a number, then the name T. E. MacDonald, [964] notary, and I think that there was testimony earlier that Mr. MacDonald was the notary at the Baltimore depositions, and that is why his name is all over these things.

Q. Now, Mr. Anderson, you have looked at Baltimore Exhibit 13, have you? A. Yes, sir.

Q. And have you searched the files of the State Department to see whether you could match it up?

A. Yes, sir.

Q. And you hand me this paper now, is that right? A. Yes, sir.

Q. And you call my attention to the second—what do you call this, a "chit"? A. Chit, yes.

Q. And you say is the basis for the substance of that Baltimore Exhibit 13? A. Yes, sir.

MR. MURPHY: Then I suggest I should be able to read it under the stipulation.

MR. CROSS: That is all right. Perhaps I can bring it out later, but there are several papers bound together there and obviously they have been put together since.

MR. MURPHY: I don't know whether that is obvious. They are stapled together I am willing to concede.

MR. CROSS: And there are some photostats stapled in the same bunch, but that is all right if you can [965] identify it.

MR. MURPHY: I propose to read this chit which is on a small piece of paper entitled "Department of State. Division of Far Eastern Affairs", dated February 9, 1938 (reading).

Q. Now can you tell is this part I have just read, Mr. Anderson, all one file? A. Yes, sir.

Q. In other words, attached to that file is this larger chit and then another paper and some photostats?

A. The photostats were attached subsequently. In other words, in preparation for this trial.

Q. So we can remove the photostats, can we?

A. Yes, sir.

Q. In other words, you have attached—

MR. CROSS: I would rather you would not, because there is a serious question here about where this paper went and I think as he got them and produced them here they are to be kept intact.

MR. MURPHY: I have no objection, and I will introduce them just that way.

Q. You do not have a complete photograph of all these papers, do you? A. You have.

MR. MURPHY: We better put them all in. Your Honor, we do not have a photograph, but we can hold this temporarily.

[966] Q. You don't want the State Department originals marked? A. No, sir.

MR. MURPHY: Let us hold it with a slip and we will photograph the whole batch overnight and return the original.

THE WITNESS: Yes.

MR. CROSS: I want to cross-examine on the original and I suggest we mark the original page and we can agree later to substitute photostatic copies.

MR. MURPHY: Your Honor, I submit we can mark it with a slip of paper and attach the slip to the original and I will photograph the papers overnight and Mr. Anderson will be here during the cross-examination and have

the originals with him and if Mr. Cross wants to see the originals he will be at liberty to see them.

MR. CROSS: Mr. Murphy said to return the papers to Mr. Anderson.

MR. MURPHY: He will be here while you cross-examine.

MR. CROSS: Is there any objection to marking it and substituting a photographic copy?

THE COURT: Mr. Murphy's suggestion was to attach a little piece of paper to it.

MR. CROSS: That is all right, as long as they are here and made available to us.

[967] (Marked Government's State Exhibits 13 and 13-A.)

MR. MURPHY: Exhibit 13 is just the one instrument and a photostat of that, and 13-A is the entire group of papers of which 13 is a part.

Q. Now can you tell, Mr. Anderson, by looking at Exhibit State 13-A where that file went in the Department?

A. On the exhibit itself there is no evidence to indicate it went anywhere, but it did go with the dispatch to which it is attached.

MR. CROSS: We object to that, if your Honor please. This witness has no personal knowledge whatever. Here are a group of papers, some of which admittedly have been attached in the preparation of the case. I think he has no personal knowledge and cannot say where this file went.

MR. MURPHY: I will concede this man has no personal knowledge on any of the papers introduced for the last three years.

MR. CROSS: Then the paper speaks for itself as to what the stamps are and where it went.

Q. Can you tell us, Mr. Anderson, where that file went? A. Yes, sir.

MR. CROSS: That I object to. I don't object to what is on the paper and the stamps as to where this file went, but that has photostats that were made in [968] the preparation of this case and I don't think he should be asked.

THE COURT: If he knows he may tell us.

MR. CROSS: Obviously he has stated he has no personal knowledge. All he knows is what stamp is on the paper.

THE COURT: Is that so?

THE WITNESS: That is correct, your Honor.

Q. Tell us what the stamps are. A. The stamps on the dispatch indicate that it was seen in the office of the Far Eastern Affairs Division, Assistant Secretary Messersmith's office—the Commercial Section that is—Economic Adviser, the Far Eastern Division, and I believe that is all.

Q. How about the first part? A. The first part?

MR. CROSS: When you say "first part" how do you describe it?

THE WITNESS: The memorandum written in the office of the Adviser of Political Relations from Hornbeck. It was in the office of the Under-Secretary, the Secretary of State, Assistant Secretary of State Mr. Sayre, Dr. Feis, Assistant Secretary Messersmith, the Commercial Office, Mr. Murphy.

Q. You were not present during the distribution, as you recall it? A. Not as I recall it, no, sir.

[969] MR. MURPHY: All right. The next is February 11th, Baltimore Exhibit 14.

Now the jury has Baltimore Exhibit 14 and I am reading now from a cable, Shanghai via naval radio dated February 11, 1938, in the A code (reading).

Another telegram dated February 11, 1938, from Lockhart from Peiping via naval radio (reading).

Q. Can you tell me, Mr. Anderson, where each of those were distributed? A. No. 240 from Shanghai, the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division "X", Far Eastern Division, American Republics Division "X", Near Eastern Division "X", Current Information Division, Foreign Service Adminis-

tration Division, BA I believe is Bureau of Accounts at that time, CC, the Chief Clerk, the Munitions Control Division, and Mr. Savage.

Q. Would you explain again for us, Mr. Anderson, what that X is? I think mark X has a definite meaning.

MR. CROSS: No, don't include me, because I understand it means something else, Mr. Murphy.

MR. MURPHY: The word "X" is the X I used in asking the witness to explain what he meant by a mark that is not a check mark.

MR. CROSS: You said it was agreed, because [970] I understand it is different and I mean to ask about it.

MR. MURPHY: I will use the Greek letter beta instead of that mark.

Q. Will you use the word "beta" instead of "X" and when you use the word beta what does that mean?

A. It means one of two things; either the office received a copy or it was shown a copy.

Q. And you can't tell which? A. That is correct.

Q. And the office can't tell? A. That is correct.

Q. And the other distribution?

A. 104 from Peiping, to the top five, the Special Assistant, Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division "beta," Far Eastern Division, American Republics Division "beta," Near Eastern Division "beta," Current Information Division, the Chief Clerk, Munitions Control Division and Mr. Savage.

(Government's State Exhibits 14 and 14-A marked.)

MR. MURPHY: The next is Baltimore Exhibit 15.

THE COURT: Is this a new exhibit?

MR. MURPHY: Yes, a new exhibit.

THE COURT: Then we will adjourn to tomorrow morning at half-past ten.

(Adjourned to December 2, 1949, at 10:30 a. m.)

[971] New York, December 2, 1949; 10:30 o'clock a. m.
Trial resumed.

WALTER H. ANDERSON, resumed the stand.

MR. MURPHY: If your Honor please, there has now been exposed to the jury Baltimore Exhibit 15, which is the enlarged, photographic enlargement, of the typewritten exhibit known as Government's Baltimore 15, and I now read part of what was marked yesterday as Government's State Exhibit 13-A. It is a small memorandum, headed "Department of State, February 11, 1938" (reading).

Then there are a number of stamps on it including the Assistant Secretary of State, Mr. Sayre, with two initials "S" and "AH."

Direct Examination Continued by Mr. Murphy:

Q. Now can you tell other than from the stamps I just read how that was seen in the Department? A. Only by the office stamps.

Q. And I have read the stamp. Will you read the others? A. Under-Secretary of State, Mr. Wells, and the Secretary of State.

Q. And that exhibit, as you say, is the way it came from your records? A. That is correct, sir.

MR. CROSS: When?

[972] Q. When did it come from your records?

MR. CROSS: In that way?

A. March 21, 1938.

Q. March 21, 1938? A. Yes, sir.

(Marked Government's State Exhibit 15.)

MR. MURPHY: Now there has been exposed the enlarged photograph of the Baltimore Exhibit 16. The original I have in my hand and, your Honor, you have a copy.

Q. Have you been able to find the cable or telegram from Berlin dated February 12, 1938? A. Yes, sir (handing).

MR. MURPHY: Ladies and gentlemen of the jury, I read the original State Department yellow copy and ask you to look at Baltimore Exhibit 16. It is from Berlin in the "C" code dated February 12, 1938 (reading).

Q. Now will you tell me, please, how that was distributed? A. To the top five, to Political Adviser Hornbeck, Political Adviser Dunn, the European Division, Far Eastern Division (Beta), American Republics Division (Beta) and the Near Eastern Division (Beta).

Q. Now so we will refresh your memory as to "(Beta)" that means that according to the records you read from it is not clear what? A. It is not clear whether a copy was furnished the office indicated or whether a copy was merely shown to that office.

[973] (Marked Government's Exhibits 16 and 16-A.)

MR. MURPHY: Your Honor, Baltimore Exhibit 17 is being shown to the jury and that is a telegram from Tokyo dated February 12, 1938.

Now I read the original telegram from the files of the State Department and it is dated February 12, 1938, from Tokyo in the "C" code and it commences "Strictly confidential" (reading).

That is the end of Section 1, and the fourth section begins "Cragie is informed" and I am reading from paragraph 5, and it appears in the second paragraph on the second part of Baltimore Exhibit 17 (reading) and it is signed "Grew."

Q. And Grew is our ambassador? A. That is correct.

Q. Will you tell us how that was distributed?

A. To the top five, and the remaining were "Beta":

Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division and the Far Eastern Division.

(Marked Government's State Exhibits 17 and 17-A.)

[974] MR. MURPHY: Your Honor, the jury is now looking at Baltimore 18, and it is a cable from Vienna, and I am reading from the original State Department

cable which is in B code from Vienna, dated February 13, 1938 (reading).

It is signed Wiley.

BY MR. MURPHY:

Q. What was Mr. Wiley's title in Vienna?

A. He was American Minister to Austria.

Q. Where was that distributed? A. To the top five, to the Special Assistant, to the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, the European Division, Far Eastern Division beta, American Republics Division beta, Near Eastern Division beta, Current Information Division, and the Chief Clerk.

(Marked Government's State Exhibits 18 and 18-A.)

MR. MURPHY: The jury is now looking at Baltimore 19, and I am reading from the original State Department dated Berlin, February 14, 1938, in the C code (reading).

It is signed Gilbert.

Q. Who was Gilbert in Berlin? A. He was the American Charge d'Affaires.

Q. And that was distributed where? A. To the top five and all of the remainder were beta. Political [975] Adviser Hornbeck, Political Adviser Dunn, European Division, Far Eastern Division, American Republics Division and the Near Eastern Division.

(Marked Government's State Exhibits 19 and 19-A.)

MR. MURPHY: Your Honor, Baltimore 20 is being shown to the jury, and I am reading from the original State Department cable dated Peiping via naval radio, February 14, 1938, in the gray code (reading).

It is signed Lockhart.

Q. And did you tell us who Lockhart was yesterday?

A. No, sir.

Q. Tell us, please. A. I really don't remember whether he was the Ambassador or Charge.

Q. And that was distributed how? A. To the top five, to the Special Assistant, to the Legal Adviser, Politi-

cal Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division beta, the Far Eastern Division, American Republics Division beta, Near Eastern Division beta, Current Information Division, Chief Clerk, Munitions Control and Mr. Savage.

Q. I think you told us yesterday that Mr. Savage was a Special Assistant to the Secretary. A. He was an adviser to the Secretary.

(Marked Government's State Exhibits 20 and 20-A.)

[976] MR. MURPHY: The jury is looking at Baltimore 21, and I am reading from the State Department telegram from via naval radio, dated February 14, 1938, in the gray code (reading).

It is signed Allen.

Q. And who was Allen? A. The American Consul at Chefoo.

Q. Tell us please how that was distributed. A. To the top five, the Legal Adviser, Political Adviser Hornbeck, Dr. Feis, the Far Eastern Division, Current Information Division, and the Chief Clerk.

(Marked Government's State Exhibits 21 and 21-A.)

MR. MURPHY: Your Honor, the jury is looking at Baltimore 22, and I am reading from the State Department telegram dated Vienna, February 14, 1938, in the B code (reading).

It is signed Wiley, and the asterisk referred to an apparent omission.

Q. Did you tell us who Wiley was before?

A. Yes, sir.

Q. How was that distributed? A. To the top five, to the Special Assistant, the Legal Adviser, Political Adviser Hornbeck beta, Political Adviser Dunn, Dr. Feis, the European Division, Far Eastern Division beta, American Republics Division beta, Near Eastern Division beta, [976a] Current Information and the Chief Clerk.

(Marked Government's State Exhibits 22 and 22-A.)

[977] MR. MURPHY: The jury is looking at Baltimore Exhibit 23 and I will now read from the State De-

partment telegram dated Vienna, February 15, 1938, in the B code and starts "Rush." (Reading.)

Q. How was that distributed in the Department?

A. To the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, the European Division, the Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), and the Chief Clerk.

(Marked Government's State Exhibits 23 and 23-A.)

MR. MURPHY: The jury, your Honor, is looking at Baltimore Exhibit 24 and I am reading from the State Department cable in the D code from Paris dated February 15, 1938 (reading).

And that telegram is signed "Bullitt"; and then Section 2 (reading).

And that is signed "Bullitt". And then Section 3 (reading). And that is signed "Bullitt".

Then Section 4 (reading). And that is signed "Bullitt".

BY MR. MURPHY:

Q. Will you tell us, Mr. Anderson, how that cable was distributed? A. To the top five, Political Adviser Hornbeck (Beta)—all of these are (Beta)—Political [978] Adviser Dunn, European Division, Far Eastern Division, American Republics Division and the Near Eastern Division.

(Marked Government's State Exhibits 24 and 24-A.)

MR. MURPHY: Now the jury is looking at Baltimore Exhibit 25 and I am reading from a green State Department exhibit.

Q. And you told us yesterday that the green copies in the State Department files are the copies of cables sent out of the State Department to the missions in other countries? A. The permanent record copy of outgoing telegrams.

Q. The permanent record copy of outgoing telegrams, and I think you told us that after it was in English it was then sent to the code room and went out in code?

A. That is correct, sir.

Q. And that is Mr. Hull's name, is it? A. That is correct.

Q. Not necessarily his signature, is it? A. No, sir.

MR. MURPHY: Now I will read from the outgoing cable, the cable dated February 15, 1938. It has the abbreviation "Am. Legation."

Q. That is the American Legation? A. That is correct.

(Mr. Murphy read cable dated February 15, 1938.)

[979] Q. Now, how was that outgoing telegram distributed?

A. To the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), the Current Information Division (Beta) and the Near Eastern Division (Beta) and the Chief Clerk.

Q. Can you tell who the author of that telegram was?

A. Yes, sir. The Under-Secretary of State, Mr. Sumner Wells.

(Marked Government's State Exhibits 25 and 25-A.)

MR. MURPHY: Your Honor, the jury is now looking at Baltimore Exhibit 26 and I will read from the State Department records the telegram dated Paris, February 15, 1938; in the C code?

THE WITNESS: C code, yes, sir.

(Mr. Murphy read telegram dated Paris, February 15, 1938.)

Q. Please tell us how that was distributed. A. To the top five, Political Adviser Hornbeck (Beta), Political Adviser Dunn, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), and Near Eastern Division (Beta).

(Marked Government's State Exhibits 26 and 26-A.)

MR. MURPHY: Your Honor, the jury is looking at [980] Baltimore Exhibit 27 and I am reading from the

State Department cable in the gray code from London dated February 16, 1938 (reading).

It is signed "Johnson".

Q. Who was Johnson in London at that time? A. He was American Charge d'Affaires.

Q. How was that distributed? A. To the top five, the Special Assistant, Political Adviser Hornbeck (Beta), Political Adviser Dunn, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), the Chief Clerk and the Treaty Division.

(Marked Government's State Exhibits 27 and 27-A.)

[981] MR. MURPHY: Your Honor, the jury is looking at Baltimore Exhibit 28, and I am reading from the State Department cable dated Paris, February 16 in the D code, and it reads:

"249, February 16, 5 PM, Strictly Confidential for the Secretary" (reading).

It is signed "Bullitt".

Q. Now, Mr. Bullitt was our Ambassador in Paris?

A. That is correct, sir.

Q. Tell us how that was distributed, please.

A. To the top five. All the remaining were Beta. Political Adviser Hornbeck, Political Adviser Dunn, the European Division, the Far Eastern Division, the American Republics Division and the Near Eastern Division.

(Marked Government's State Exhibits 28 and 28-A.)

MR. MURPHY: The jury is looking at Baltimore 29, and I am reading from the State Department cable dated Paris, February 16, 1938, in the C code. It commences "255, February 16, 9 PM" (reading).

It is signed "Bullitt".

Q. How was that distributed? A. To the top five, and all of the remaining were Beta. Political Adviser Hornbeck, Political Adviser Dunn, European Division, the Far Eastern Division, American Republics Division, and the Near Eastern Division.

[982] (Marked Government's State Exhibits 29 and 29-A.)

MR. MURPHY: Your Honor, the jury is looking at Baltimore 30, and I am reading from the State Department cable dated Vienna, February 16, 1938, in the B Code, "My 21, February 15, 5 PM"—

Q. By the way, what do those numbers mean, "My 21" and "Yours 25" and so forth? A. They refer to the numbers of previous telegrams and the date and the hour.

Q. Each mission kept its cables in number, is that right? A. Yes, sir.

(Mr. Murphy continues reading.)

MR. MURPHY: Signed "Wiley".

Q. How was that distributed? A. To the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), the Near Eastern Division (Beta), Current Information Division, the Chief Clerk.

Q. I think it might be well if you tell us who the top five are again. A. The top five are the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre.

(Marked Government's State Exhibits 30 and 30-A.)

MR. MURPHY: The jury, your Honor, is looking at Baltimore 31, which consists of seven paragraphs, [983] but I am going to read from a number of telegrams.

The Baltimore exhibit starts "Austria, Germany, February 16."

I am going to read from State Department telegram dated Vienna, February 16, in the B code, and it is signed by Wiley (reading).

The second paragraph in Baltimore 31 commences February 14, and I am going to read from the official State Department telegram from Berlin signed Gilbert, and dated February 14 (reading).

And I am reading now from a telegram from Rome dated February 17, 1938, in the B code, and I call the jurors' attention to the third paragraph of Baltimore 31. That telegram, by the way, is signed by Phillips.

Q. Was he our Ambassador? A. American Ambassador to Italy.

MR. MURPHY: I will start with the second page of that telegram (reading).

And there is another page and a half which I am not reading.

Now, the fourth paragraph in the Baltimore exhibit commences February 18, Gilbert, and I will read from a telegram signed Gilbert from Berlin dated February 18, 1938, in the B code (reading).

Q. Now, can you tell us in the order in which I [984] read the original State Department cables how they were distributed, commencing— A. With No. 24 from Vienna?

Q. With No. 24 from Vienna, dated February 16.

A. The top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, the European Division, the Far Eastern Division (Beta), American Republics Division (Beta), the Near Eastern Division (Beta), Current Information Division, the Chief Clerk.

MR. CROSS: You left out Trade Agreements.

THE WITNESS: I am sorry, it is not indicated on this copy.

MR. CROSS: Is this 54?

THE WITNESS: Sir?

MR. CROSS: Is this No. 54?

THE WITNESS: 24, from Vienna, February 16.

MR. MURPHY: It was the first of the four cables that I read.

MR. CROSS: I am sorry, I was looking at the wrong one.

A. (Continuing) 54 from Berlin, February 14. The top five, the Special Assistant, Political Adviser Hornbeck (Beta), Political Adviser Dunn, the Economic Adviser, the

European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near [985] Eastern Division (Beta), Trade Agreements Division, Current Information Division, the Chief Clerk, the Protocol Division and the Treaty Division.

No. 34, from Rome, February 17: the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, the European Division, the Far Eastern Division (Beta)—it is not clear whether the next is the Near Eastern Division or the Philippine Islands Division, it is between the two; Current Information Division, the Chief Clerk.

62 from Berlin, February 18: the top five, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, European Division, the Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division, the Chief Clerk.

(Marked Government's State Exhibits 31 and 31-A.)

THE COURT: Does the jury want a recess?

(Short recess)

[986] MR. MURPHY: One of the exhibits are missing from the jurybox, your Honor. I will let the jury have a copy of Government's Exhibit 50, using the original, and during the recess rephotostat it.

Now the jury is looking at Baltimore Exhibit 32 from Tientsin via Naval Radio February 17, 1938, and I will read from the State Department files the cable "Special Gray", Tientsin via Naval Radio dated February 17, 1938 (reading).

Q. Did you tell us this morning who Caldwell was?

A. I don't recall, Mr. Murphy, but he was the American Consul at Tientsin.

Q. And how was that cable distributed? A. To the top five, to the Special Assistant, Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn (Beta), Dr. Feis, the European Division (Beta), Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division, Current Information Division, the Chief Clerk,

I believe it is, and the Munitions Control Division and Mr. Savage.

(Marked Government's State Exhibits 32 and 32-A.)

MR. MURPHY: The jury is looking at Baltimore Exhibit 33, a cable from Tokyo, February 17th, and I read the Department's official cable in gray code from Tokyo dated February 17th (reading).

Q. How was that distributed? A. To the top five, [987] to the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn (Beta), Dr. Feis, the European Division (Beta), the Far Eastern Division, American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division (Beta), the Chief Clerk, the Munitions Control Division and Mr. Savage.

(Marked Government's State Exhibits 33 and 33-A.)

MR. MURPHY: The jury is looking at Baltimore Exhibit 34 and I will read the State Department record telegram from Berlin dated February 17, 1938, in A code (reading).

Q. And how was that distributed? A. To the top five, to the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division, and the Chief Clerk.

(Marked Government's State Exhibits 34 and 34-A.)

MR. MURPHY: The jury is looking at Baltimore Exhibit 35, a cable from Paris dated February 17, 1938, and I will read the file copy from the State Department dated Paris, February 17, 1938 in C code.

Q. There is a change here, Mr. Anderson. The Baltimore exhibit, the enlarged one the jury is looking at, [988] and here you can see the original (indicating) reads "269" February 17, and here the original has it crossed out and written in "261" in ink. A. The answer to that is that the telegram when it was initially received in the Department was garbled, the number was garbled, and it was

thereafter discovered there were two "69s" from Paris, and either Paris corrected it themselves or the Department made an inquiry of the Embassy as to the correct number and then subsequently the number was corrected on the official record copy.

Q. But when it went out on the information copy what was on it? A. 269.

Q. 269 was on the information copy? A. Yes, sir,

MR. MURPHY: Now it reads, with the number crossed out, and inserted in ink "261" February 17, 8:00 p. m. (reading).

Q. And how was that distributed? A. To the top five, Political Adviser Hornbeck (Beta), Political Adviser Dunn (Beta)—all these are Beta: European Division, Far Eastern Division, American Republics Division and the Near Eastern Division.

(Marked Government's Exhibits State 35 and 35-A.)

MR. MURPHY: The jury is looking at Baltimore Exhibit No. 36. That is not a telegram but a memorandum dated February 18, 1938, and it is evidently captioned [989] "German Domination Of Central Europe and Czechoslovakia. Trade Agreement."

And Mr. Anderson has handed me from his files the memorandum which reads "Memorandum of Conversation. Subject: German Domination of Central Europe and Czechoslovakia. Trade Agreement."

Q. Now we have not had any of these memoranda yet, have we, so far? A. Not to my recollection, no, sir.

Q. Is that a regular Department practice, to record in some instances the memorandum of a conversation?

A. Invariably, yes, sir.

Q. And then is that distributed around the Department?

A. Not necessarily.

Q. Is it a memorandum to certain people? A. They could be, but not necessarily. Usually it is simply a memorandum of the conversation and sometimes copies are distributed to the participants and sometimes they have been

routed to various offices having an interest in the subject matter.

Q. And then you can tell that from the stamp I take it?

A. Usually, yes, sir.

MR. MURPHY: All right. Now I will read from the memorandum of the conversation. I have already read the date and the title and the participants are Vladimar Hurban, Czechoslovak Minister, the Secretary and Mr. Sayre.

[990] Q. And that means Mr. Hull, the Secretary and the Minister? A. That is correct, sir.

(Mr. Murphy continues reading the memorandum.)

Q. Now, can you tell, Mr. Anderson, from the stamps on it in whose offices that memorandum was? A. Yes, sir. In the office of the Assistant Secretary of State, Mr. Sayre, in the Division of the Trade Agreements; of course the Records Division—there is no further evidence on the document, sir.

MR. CROSS: To save coming back to it, if you will give the dates.

THE WITNESS: The Assistant Secretary of State, Mr. Sayre, March 2, 1938; the Trade Agreements Division February 19, 1938; the Records Division February 28, 1938.

Q. Whose initials are on it in the first instance?

A. Those, the F. B. S., are the initials of Assistant Secretary Sayre.

Q. And showing the dictation of it are FBA and ABN, is that right? A. That is correct, sir.

Q. So that it originated in Mr. Sayre's office?

A. That is correct, sir.

Q. And then got back to Mr. Sayre's office on March 2, 1938? A. Yes, sir.

(Marked Government's State Exhibit 36.)

[991] MR. MURPHY: The jury is looking at Baltimore 37, which appears to be a telegram from London

dated March 28, and I will read from the yellow action copy, "London, March 28, 1938", in the C code (reading).

It is signed Kennedy.

BY MR. MURPHY:

Q. Was Kennedy our Ambassador at that time? A. That is correct, sir.

Q. At London? A. Yes, sir.

Q. How was that distributed? A. To the top five, Assistant Secretary Wilson, the Special Assistant; the rest are Beta. Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division, Far Eastern Division, American Republics Division, the Near Eastern Division, and the Armaments Control Division.

(Marked Government's State Exhibits 37 and 37-A.)

MR. MURPHY: Your Honor, the jury is looking at Baltimore 38, and I will now read a telegram from Buenos Aires, dated March 26, 1938, in the A code, and commences, "Strictly Confidential.

"According to the best possible source, Germany is secretly purchasing larger stocks of cereals and linseed in Argentina presumably for military service"—

is the way it was written, and then crossed out and [992] in red ink "war purposes", and the "military service" seems to be even of heavier type than the ordinary typing.

Q. Can you explain that at all, Mr. Anderson?

A. When the message was originally received the code groups representing—"military service" did you say?

Q. "Military service". A. The code groups representing those words were garbled in transmission. Subsequently the post, Buenos Aires, sent a confirmation copy by pouch—by mail that is—of the code text, and the code text was compared with the code text as received by telegraph, and then, of course, the garble was discovered and the message subsequently correct.

Q. So that when it appeared on the information copy that was distributed throughout the department the words were "presumably for military service"—is that right?

A. That is correct.

Q. And then after you checked back and forth you found out that the correct words were "war purposes"?

A. Yes.

MR. CROSS: Does it appear that that correction was made June 9, 1938?

THE WITNESS: I didn't hear the question.

Q. Does it appear that the correction in red ink was made on June 9, 1938? A. That is correct, sir. [993] I might explain, Mr. Murphy, if it will be of any assistance, as of that period it was the policy of the department to require all foreign service posts to send the code texts of all their messages sent to the department for purposes of verification, for garbles in transmission, etc. And the department did likewise. they sent code texts by pouch to the missions or posts for the same reason.

Q. In other words, after they sent the cable they put it in an envelope and sent it by mail?

A. Yes, but not immediately.

Q. No, but eventually you got the mailed copy?

A. Yes.

Q. And then they compared it? A. That is right.

Q. And you think that is what happened here?

A. Undoubtedly, yes, sir.

Q. You can't explain why in the Baltimore document the words "excessive fees" which do not appear in the original, can you? Here is a copy.

A. The code room copy did contain the words "excessive fees." In other words, that was the original distribution of the message which contained the words "presumably for excessive fees." That is the way it originally came in or was received.

Q. In other words, you can read that through the writing there on the photostat? A. Yes. You could not— [994] unless I had seen the words "excessive fees" it would be difficult to say that those were the words. But you can trace it under the inked out portion.

Q. Now, this that you are looking at is the picture that was made from those microfilms, is that right?

A. From the official code room copy.

Q. In other words, I think you told us that the code room always kept one copy of the original telegram for itself and put this legend of the distribution on, is that right? A. Yes, sir.

Q. And then some time in the '40s, because of a lack of space they destroyed those copies? A. Yes, sir.

Q. And before they destroyed them they took photographs of them on microfilm? A. That is correct, sir.

Q. And what you are looking at and which I am now holding in my hand is a print from that microfilm?

A. That is correct, sir.

Q. And looking at that you can see the words through the crossing out "excessive fees"? A. Yes, sir; and I would like to amend my testimony to that effect. I think I stated that the message originally came in "presumably for"—did you say "military service"? But it was not received that way. It was received "for excessive fees."

Q. You can see on the original that that has been [995] retyped? A. This message eventually was corrected twice. It was first corrected to read "military service." And then ultimately "war purposes." In other words, it came in originally "presumably for excessive fees." Then it was corrected to "presumably for military service". Then finally "presumably for war purposes".

MR. CROSS: All those corrections appear on both of the original and the white copy?

THE WITNESS: No, sir.

MR. CROSS: Don't they appear on the original?

THE WITNESS: They appear on the original but not on the code room copy, the white copy.

MR. MURPHY: All right now, I do not think I finished reading it. I better read it again.

It is from Buenos Aires, March 26, 1938, in the A code (reading).

It is signed Ravndal.

Q. And who was Mr. Ravndal? A. He was American Consul General at Buenos Aires.

Q. Now, can you tell us, please, how that message was distributed? A. It was distributed to the top five, As-

sistant Secretary Wilson, the Special Assistant—it is not clear whether Political Adviser Dunn was distributed a copy or not; there is a circle after his name; the Economic Adviser, the American Republics Division, [996] Current Information Division, and the Chief Clerk.

(Marked Government's State Exhibits 38 and 38-A.)

MR. MURPHY: Your Honor, the jury is looking at Baltimore 39, which is dated March 26, and I will read from the yellow copy of the State Department telegram.

It is from Belgrade and it is signed by Lane—

Q. Was he our Minister at Belgrade? A. He was either the Minister or the Charge d'Affaires.

MR. MURPHY: It is in the B code, and it reads "Confidential" (reading).

It is signed Lane.

Q. Now, how was that distributed? A. To the top five, to Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, the Economic Adviser, European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division and the Munitions Control Division.

(Marked Government's State Exhibits 39 and 39-A.)

MR. MURPHY: The jury is looking at Baltimore 40, which is from Rome in the B code, dated March 28, 1938, the first part being in gray code (reading first part).

It is in the gray code.

Q. In other words, what I have just read is in the gray code, is that right? A. That is right.

[997] Q. And this part of the message is in the B code?

A. B code.

(Mr. Murphy reads second part.)

MR. MURPHY: It is signed Phillips.

Q. Now, in the beginning when you were discussing the codes you said that even in quoting newspapers they used a code? A. Yes, sir.

Q. And did they use the gray code for that?

A. They did, sir.

Q. Now, how was that message distributed?

A. To the top five, to Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division, and the Chief Clerk.

(Marked Government's State Exhibits 40 and 40-A.)

MR. MURPHY: The jury is looking at Baltimore Exhibit No. 41, and I will read from the Department's cable from Tampico dated March 28, 1938, and it commences (reading).

Q. How was that distributed?

A. To the top five, Assistant Secretary Wilson, Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn (Beta), Economic Adviser, [998] European Division (Beta), Far Eastern Division (Beta), American Republics Division, Near Eastern Division (Beta), and Current Information Division, and the Chief Clerk.

(Marked Government's State Exhibits 41 and 41-A.)

MR. MURPHY: The jury is looking at Baltimore 42, and I will read from two department action copies. The first one from Tokyo, dated March 28, 1938, in the A code, marked "Confidential" (reading).

It is signed by Grew.

Then the next cable is from Mardet, Tientsin.

Q. What does that means? A. That meant the Detachment of the United States Marines.

Q. It is dated March 28, 1938, and it says to the Navy Department Info. Cincaf.

Do you know what that means? A. That is Navy terminology. I am not too certain but I think it means Commander-in-Chief Asiatic Forces.

Q. And Mardet Peiping? A. Marine Detachment at Peiping.

Q. 0028. Is that the time? A. That is the time, yes, sir.

(Mr. Murphy reads cable referred to.)

Q. I see "0935". Is that the time again?

A. I assume so, sir.

Q. Now, how were each of those telegrams distributed?

[999] A. 211 from Tokyo, to the top five, Assistant Secretary Wilson, the Special Assistant, Political Adviser Hornbeck, Dr. Feis, the Far Eastern Division, Foreign Service Administration Division—I can't read the last one although it looks like the commercial office of the Assistant Secretary, Mr. Messersmith.

From the Marine Detachment to the Secretary, the Under-Secretary, Assistant Secretary Messersmith, Political Adviser Hornbeck, Dr. Feis, and the Far Eastern Division.

(Marked Government's State Exhibits 42 and 42-A.)

[1000] MR. MURPHY: Your Honor, the jury is looking at Baltimore Exhibit 43, and I will read from the State Department's files a telegram dated Rome, March 29, 1938, in C code, and signed by Phillips (reading).

Q. How was that distributed? A. To the top five, to Assistant Secretary Wilson, to the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), and to the Munitions Control Division.

(Marked Government's State Exhibits 43 and 43-A.)

MR. MURPHY: The jury is now looking at Baltimore Exhibit 44, dated March 29, and I will read the cable from Prague dated March 29, 1939. The telegram I am reading is in the B code and commences with a quote in the gray code (reading).

And it is signed "Carr".

Q. Do you know who Carr is? A. Yes, sir. He was American Minister to Czechoslovakia.

Q. How was that distributed? A. To the top five, Assistant Secretary Wilson, the Special Assistant, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), [1001] Current Information Division, the Chief Clerk and Munitions Control Division.

(Marked Government's State Exhibits 44 and 44-A.)

MR. MURPHY: The jury is looking at Baltimore Exhibit 45 and I will now read the Department cable from Warsaw, and it is in C code and it is dated March 29, 1938, and commences "Strictly confidential" (reading).

Q. And how was that distributed? A. The top five, to Assistant Secretary Wilson, the Special Assistant, Political Adviser Hornbeck (Beta), Political Adviser Dunn (Beta), Dr. Feis (Beta), European Division (Beta), Far Eastern Division—all the rest are Beta: Far Eastern Division, American Republics Division, Near Eastern Division and the Munitions Control Division.

(Marked Government's State Exhibits 45 and 45-A.)

MR. MURPHY: Your Honor, the jury is looking at the Baltimore Exhibit No. 46 and I will read from five different cables. I will read an outgoing cable signed by Mr. Hull dated March 30th, to the American Legation at Panama (reading).

And then another one dated March 30 to San Jose and it is identical with the one I have just read.

And then four incoming cables. The first is dated Panama via Naval Radio March 31, 1938 (reading), and signed "Flexer".

[1002] Q. Flexer was our charge there? A. Charge at Panama, yes.

MR. MURPHY: And one from San Jose dated April 1, 1938, in the A code (reading).

And signed "Horneybrook".

Q. Who was Horneybrook? A. Horneybrook was either the Charge d' or the American Minister at Costa Rica.

MR. MURPHY: And one from the Fourth Marines dated March 31, 1938 (reading).

And another from Panama dated March 31, 1938 and signed Salisbury (reading).

Q. How were those distributed? A. The telegram 17 to San Jose, to the top five, Assistant Secretary Wilson, the Special Assistant, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, European Division (Beta), Far Eastern Division (Beta), American Republics Division, Near Eastern Division (Beta), Current Information Division, and the Chief Clerk.

No. 17 to Panama received the same distribution as 17 to San Jose.

No. 28 from Panama, March 31: The top five, Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck (Beta), Political Adviser Dunn (Beta), Dr. Feis, European Division (Beta), Far Eastern Division (Beta), American Republics Division, [1003] Near Eastern Division (Beta), Foreign Service Administration Division, the Chief Clerk and the Commercial Office of the Assistant Secretary Messersmith.

No. 22 from San Jose: The top five, Assistant Secretary Wilson, the Special Assistant, Political Adviser Hornbeck (Beta), Political Adviser Dunn, Dr. Feis, the European Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division, and the Chief Clerk.

From the Fourth Marines, March 31: The top five, Assistant Secretary Wilson, the Legal Adviser, Political Adviser Hornbeck, Dr. Feis, Far Eastern Division, Current Information Division and the Chief Clerk.

201 from Panama, March 31: The top five, Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, the Economic Adviser, European Division (Beta), Far Eastern Division, Trade Agreements Division, Current Information Division, Foreign Service Administration Division, and the Chief Clerk.

(Marked Government's State Exhibits 46 and 46-A.)

THE COURT: So we will have the full time for lunch we will adjourn until 2:20.

(Recess to 2:20 p. m.)

[1004] Afternoon Session

WALTER H. ANDERSON, resumed.

MR. MURPHY: May I begin, your Honor?

THE COURT: Yes, Mr. Murphy.

MR. MURPHY: Your Honor, the jury is looking at Baltimore Exhibit No. 47, and I will read from three telegrams, the first one from London dated March 29 from Ambassador Kennedy, and it is in the gray code, and reads (reading).

And the last paragraph reads (reading).

It is signed Kennedy.

Next I will read the one from Geneo, which is on the bottom of that exhibit, and it is dated April 1, 1938, in the A code, from Mr. Wilson (reading).

Now, Mr. Anderson has handed me two dispatches from The Hague, one numbered 193 and the other 194.

No. 193 reads (reading).

The last paragraph of the dispatch that I was reading states this (reading).

Now I am referring to the paragraph on Baltimore 47 entitled "Germany" and I will read from the State Department cable dated Paris, March 30, 1938, in the C code commencing with the word "Confidential". (Reading).

And that is signed Wilson.

And I have read the one from Italy already.

[1005] *Direct Examination continued by Mr. Murphy:*

Q. Now will you tell us, please, how they were distributed. A. Starting with the one from Genoa, April 1: The top five, Assistant Secretary Wilson, the Special Assistant, Political Adviser Dunn and the European Division.

497, from Paris, March 30: The top five, Assistant Secretary Wilson, the Special Assistant—these are all beta—Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, Economic Adviser, Far Eastern Division, American Republics Division, and the Near Eastern Division, and the Munitions Control Division, and I think Mr. Savage.

260, from London, March 29: The top five, Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, the European Division, Far Eastern Division (Beta), American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division, Chief Clerk.

Q. Now, the other one that I read from was the dispatch from The Hague No. 193. Would you please tell us in what offices that document was by reason of the fact that the stamps that are stamped on them? A. It was received in the Division of European Affairs, the Economic Adviser, [1006] Assistant Secretary Mr. Sayre, Political Adviser Dunn, the Special Assistant, the Commercial Office of the Assistant Secretary Messersmith; and copies were distributed to the Military Intelligence and the Naval Intelligence.

(Marked Government's State Exhibits 47 and 47-A.)

MR. MURPHY: Now I come to the Baltimore Exhibits Nos. 48 to 55, which are the exhibits on the two strips of microfilm marked as Government's Exhibits 11 and 12. I do not propose to read all of these because they are photographs, and I just want Mr. Anderson, if he will, to identify the original from his files.

BY MR. MURPHY:

Q. Now, Government's Baltimore 48 appears to be dated January 8, 1938, and addressed to Mr. Sayre, and it goes for two pages, and the name Harry C. Hawkins is typed in. Now, do you have a document like that? A. Yes, sir.

Q. Is that part of one file? A. Yes, sir.

Q. Well, then perhaps I better identify the other exhibits. Now, the first one that you just showed me is actually signed by Mr. Hawkins, is that right?

A. Yes, sir.

MR. MURPHY: In ink over the typewritten name Harry C. Hawkins, although the Government Exhibit Baltimore 48 is merely the typed name without the hand-[1007] written signature.

Now, the reason I am going at it this way, your Honor, is we will have other proof to tie in the photographs a little further.

Q. Now, Government's Exhibit Baltimore 50 appears to consist of a few pages, perhaps seven or eight, and it is dated December 31, 1937, and addressed to Mr. Hawkins, and goes on for 16 pages, and does not appear to be signed at all. Do you have a similar document? A. Yes, sir.

Q. And down at the bottom whose name or initials do you have? A. Mr. Darlington—the name Darlington is typed in, and it is initialed by him; then there are the initials of two other individuals. One of them is Hawkins; the other I can't identify.

Q. Well, in other words, the last page in Baltimore document No. 50 that I have does not appear to have the handwritten initials. It is just a copy of the printed name in, is that correct? A. Yes, sir.

(Marked Government's State Exhibits 48 and 50.)

MR. MURPHY: Your Honor, you noticed I have gone from 48 to 50. There just is no 49.

And Government's Baltimore 51 is entitled "Memorandum" and is four pages at the bottom of which on the left is the Department of State, Washington, and then the initials T. A. Darlington, NPD, 12/31/37.

[1008] Q. Now you show me from your files a blue page memorandum which seems to be the one that is tied in with Baltimore Exhibit 51, commencing "The United States Government has devoted careful study to the aide memoire left by the German Embassy with the Acting Secretary of State", and on the last page appears the legend "Department of State, Washington", with Mr. Darlington's name and quite a few handwritten initials.

Will you tell us what they are and what this memorandum is?

A. It is draft memorandum to the German Embassy which was not sent. It was drafted in the Trade Agreements Division by Mr. Darlington. It was initialed by Mr. Hawkins in that division and by another officer in that division whom I cannot identify. The EU initials refer to the European Division. However, it was presumably intended to be sent for initialling. It did not, however, go there because there was no initial indicated and the next is the office stamp of the Economic Adviser and finally the Assistant Secretary, Mr. Sayre.

Q. How can you tell whether it went to those places or not? A. It is impossible to say, Mr. Murphy, whether it went there or not. The presumption is it did not since there are no clearing initials.

Q. Copies might be given, however? A. That is possible.

Q. In other words, the initials you describe signify [1009] the drafting officer's intention as to where he wanted to go? A. That is right; what they call the clearing office. Those are office symbols.

Q. And what you are looking at is a draft of a memorandum?

A. That is correct.

Q. Where would the original be? A. Since this is not sent the presumption is the original was destroyed.

Q. You mean the ribbon copy was destroyed? A. That is right. The ribbon copy on white bond paper.

Q. So far you have been identifying the exhibits all from one group, one file, so to speak, is that right?

A. Yes, sir.

Q. And I have, in turn, identified them with Government's Exhibits 48, 50 and 51. Now, will you look at Government's Exhibit Baltimore 52, which is in the German language and is entitled "Aide Memoire".

(Marked Government's State Exhibit 51.)

Q. Now you hand me from a file, so that we can identify it, file No. 611.6231/987, an aide memoire in the German language consisting of 14 pages, is that correct?

A. Yes, sir.

Q. And that is from the file the number of which I have just read? A. Yes, sir.

Q. Now, it is obviously not from the first page of the file, but can you tell where it went in the Department?

[1010] MR. CROSS: That I object to. The paper speaks for itself. He has not any personal knowledge. He can say what is on the paper.

MR. MURPHY: I will concede again, Mr. Cross, he has no personal knowledge.

MR. CROSS: Then ask him to read what is on the paper.

MR. MURPHY: No, I don't propose to ask him that.

MR. CROSS: Then I object to the question.

THE COURT: The question is, "Do you know?"

MR. MURPHY: No. The question is, "Can you tell where that file which I have identified by number went to in the Department of State?"

THE COURT: I think the question might be reframed and say, "Do you know?"

MR. MURPHY: Your Honor, the man has been in the Records Division and I presume he has no personal knowledge of any of these matters.

THE COURT: Then I think you ought to ask what the custom was.

MR. CROSS: I object to the custom here. This is apparently something that is a little bit unusual. This is the Trade Agreement negotiation with Germany. I don't think we have had very many of this sort and I think the witness should answer, if I may respectfully [1011] suggest it, your Honor's question if he knows where it went.

THE COURT: I think he might answer that. I think he might answer the question, "Was there a custom, and, if so, what was it?"

MR. CROSS: If he knows.

THE WITNESS: I know the custom, yes, sir.

MR. CROSS: For these kind of papers?

THE WITNESS: Yes, sir.

Q. Will you tell us what that was? A. Well, in international trade matters invariably you would go to

the Economic Adviser and if it involved high policy it would go to the higher levels as well, possibly even to the Secretary of State.

Q. And by the "higher levels" you mean at least Mr. Sayre's office? A. Yes, sir.

Q. And was it the practice to group by a staple or some method these various memoranda and interoffice communications?

A. Very definitely, sir.

MR. CROSS: That is after it gets back to the file room?

THE WITNESS: That is correct.

Q. Or before? A. Primarily before. Of course the action officers themselves did staple papers together.

Q. I didn't say staple, I said attach, whether you use [1012] a clip or some other kind of fastener or staple, was it the practice to attach papers relating to the same subject matter together as it went from office to office?

A. Yes, sir.

Q. And when it got back to the file room it was there stapled with a stapling machine? A. That is correct, sir.

Q. So when it passed from office to office it might have been held together by one of the Monarch clips or something? A. Yes, sir.

Q. Can you tell, that that is the practice or custom, where that file went?

MR. CROSS: That I object to. That is the jury's province. He stated what the practice was. Now the physical contents of this file would be before the jury and that is a conclusion as to where it went.

THE COURT: I think that is so. He may merely state the custom.

MR. MURPHY: Can he say on the outside of that file are certain stamps?

THE COURT: Yes.

Q. Will you tell us what the stamps are on the outside page of that file? A. Well, on the English translation, the Economic Adviser, also the Office of the Assistant Secretary, Mr. Sayre.

[1013] Q. Is the stamp of Mr. Sayre's office actually on the English translation? A. Yes, sir. Now on the German text, the German text as handed in by the German Ambassador, there is a hand note by Mr. Feis. Mr. Feis was the Economic Adviser. Then there is an office stamp also of the Economic Adviser and there is an office stamp of the Assistant Secretary, Mr. Sayre, and the office stamp of the Under-Secretary of State, Mr. Wells. There are no further stamps.

Q. Speaking specifically about the German aide memoire in both languages, English and German, is it your testimony that Mr. Sayre's stamp is on each? A. That is correct, sir.

Q. Now do you know whether it was the practice where a document was in a foreign language to attach to the file in which that document was an English translation? A. Yes, sir. That was the usual practice.

Q. And the English and German or French documents traveled together? A. Yes, sir.

Q. Now I show you Government's Exhibit Baltimore 53, which is entitled "Aide Memoire" and it is in English, and ask you whether that is the one that you have just identified for us? A. I am sorry, Mr. Murphy. I must retract the statement of the office stamp being on the German text. I was looking at the memorandum in the Economic Adviser's office. The office stamps that I mentioned appear on the [1014] English translation only. There are no office stamps or any mark whatsoever on the German text.

Q. No marks of any stamp at all? A. No, sir.

Q. No office from the Secretary of State down to the Chief Clerk? A. No, sir, none whatever.

Q. And on the English translation there are the stamps you have told us about? A. That is right, the Economic Adviser, Mr. Sayre's office and Mr. Wells.

MR. CROSS: But there is no English translation in the Baltimore exhibit, the microfilm. That is the point.

MR. MURPHY: Baltimore Exhibit 53. United States Aide Memoire, "The German Ambassador on June 30

acting on instructions from the Government, and referring to an invitation extended to him by the Under-Secretary of State to discuss with him the nature of the conversation", and so forth—am I reading from the translation of that aide memoire?

THE WITNESS: No, sir. You are reading from the aide memoire handed to the German Ambassador by Mr. Wells.

Q. So that we can have for our purposes a copy of the German language aide memoire may I have the State Department's copy? A. (Witness hands.)

MR. MURPHY: Your Honor, may I ask that the English translation of the German aide memoire be marked [1015] as Exhibit 52-A?

MR. CROSS: I object to it being marked 52-A because there is no German translation in the microfilm copies. I don't object to it being marked as an exhibit, but I do object to it being marked with any number that has to do with the microfilms where there is no such copy.

MR. MURPHY: It seems to me that is merely an arbitrary reason. I asked that it be marked as Exhibit 52-A so as to identify it with the Exhibit 52 which was the German copy. We can call it 165 if it is all right.

MR. CROSS: If it is stipulated and understood there is no English translation in the microfilm I will withdraw the objection.

MR. MURPHY: So stipulated. So then it can be marked Exhibit 52-A.

(Marked Government's State Exhibits 52 and 52-A.)

Q. Now, Mr. Anderson, I come to Government's Exhibit Baltimore 53 entitled "Aide Memoire" and the first three or four words are "The German Ambassador on June 30th acting on instructions from his government"—

MR. CROSS: May I see that last exhibit, the translation? I have never seen it.

MR. MURPHY: You have never seen it?

MR. CROSS: No.

[1016] MR. MURPHY: They were introduced at the last trial and I told Mr. Cross long before the trial started

at his request he could have photostatic copies of all exhibits.

MR. CROSS: Show me where this is marked at the last trial. That is not the same thing.

Q. Do you have that which I have just identified?

A. Yes.

Q. Now, that is on blue paper, and I see it is not signed. Does that indicate it was not sent either?

A. No, that was sent. Here is the certification stamp of its being a true copy. Of the outgoing letters, diplomatic notes from the Department going out, the record copy is put on blue paper.

Q. So that the originals of this was in the hands of the German Ambassador? A. Yes, sir.

Q. And the blue copy is what remains in the Department's files? A. The official record in the Department, yes.

Q. How do you know that it was in fact handed to the German Ambassador? A. There is an endorsement on there to that effect.

Q. What does that say? A. Handed to the German Ambassador by Mr. Wells, July 21, 1937.

Q. And that is written in longhand? A. Yes, sir.

Q. And can you tell where that copy was in the Department?

[1017] A. The only evidence on the document is that it was in the Economic Adviser's Office and in the office of Mr. Wells, the Under-Secretary.

Q. And you say that because the note to Mr. Wells—is that in his handwriting, do you know? A. No, sir. It is not. I can't identify the handwriting, sir.

Q. You don't know who put the note there? A. No. Presumably someone in his office.

Q. And the other presumption that you relied on was what? A. The other is not a presumption. There is the actual drafting office and the initial of the drafting officer, although it is not signed.

Q. The initials are F. L.? A. That is Mr. Livesey, who at that time was in the Economic Adviser's office.

Q. So we know that it originated there at least?

A. Yes.

Q. And it was last in Mr. Wells' hands? A. That is correct, sir.

Q. I am talking now about the original. A. Yes.

(Marked Government's State Exhibit 53.)

MR. MURPHY: Now, Baltimore 54 is a cable from Hangkow, January 11, 1938.

Your Honor, I won't read this cable because it appears that it is a photograph of a cable from Hangkow dated January 11, 1938, addressed to the Secretary of State, [1018] consisting of three pages, and signed by Johnson.

Q. Can you tell where that was distributed?

A. Yes, sir, to the top five, to the Assistant Secretary Wilson, the Special Assistant, the Legal Adviser, Political Adviser Hornbeck, Political Adviser Dunn, Dr. Feis, European Division (Beta), Far Eastern Division, American Republics Division (Beta), Near Eastern Division (Beta), Current Information Division, Chief Clerk, Munitions Control Division, Mr. Savage.

Q. On the enlarged photograph that I have you can see Mr. Sayre's stamp, can you not? A. Yes, sir, I do.

Q. And can you see initials off in the corner, initials off in the corner in the stamp? A. You mean the impression of the stamp?

Q. Yes. Well, maybe you can't see it. A. My eyes are not that good.

THE COURT: You are not reading this one to the jury?

MR. MURPHY: Perhaps I should, your Honor.

THE COURT: Well, I don't mean to suggest it.

MR. MURPHY: No. It is a three-page telegram, and it is all in the gray code dated January 11, 1938, and inasmuch as there is no dispute that it is actually a photograph, or will be no dispute, I think we can dispense with it.

[1019] (Marked Government's State Exhibits 54 and 54-A.)

MR. MURPHY: Now, Baltimore 55 is from Tsingtao, dated January 13, 1938. I will just read it (reading).

Q. Will you tell us where that was distributed?

A. That was distributed to the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Wilson, Political Adviser Hornbeck, Dr. Feis, and the Far Eastern Division.

Q. Did you skip Mr. Sayre's office? A. Not indicated, sir.

Q. Will you read that again? A. The Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Wilson, Political Adviser Hornbeck, Dr. Feis, and the Far Eastern Division.

Q. Well, I show you Government's Exhibit Baltimore 55, and unless my eyes are deceiving me, that is Mr. Sayre's stamp on there, isn't it? A. Yes, sir, it is.

Q. Can you see an initial off there on the corner?

A. I see something very faint, Mr. Murphy; I can't make it out.

Q. But there is no doubt about the stamp; that is quite visible? A. Yes, sir.

Q. And the distribution copy does not show Mr. Sayre's office? A. It does not.

[1020] Q. As having received one? A. That is correct, sir—as having been sent one.

Q. As having been sent one? A. Yes.

Q. Now, part of Government's Baltimore 55 is another cable from Paris dated January 13, 1938. You have that one? A. Yes, sir.

Q. Can you tell where that was distributed? A. The top five, Assistant Secretary Wilson, Political Adviser Hornbeck (Beta), Political Adviser Dunn (Beta)—all the rest are Beta—European Division, Far Eastern Division, American Republics Division, Near Eastern Division.

MR. MURPHY: Now, that cable is from Paris, dated January 13 in the D code, "Strictly confidential for the Secretary" (reading).

Signed Bullitt.

Section 2 of the same telegram (reading).

Signed Bullitt.

Section 3 (reading). Signed Bullitt.

And Section 4 (reading). It is signed Bullitt.

Q. Now, where was this telegram delivered? A. I believe I read that.

Q. You did read it? A. Yes.

Q. Now I will call your attention to the pages of the different sections of the telegram to a stamp. Can you read it or are your eyes not up to it? A. The Assistant [1021] Secretary of State, Mr. Sayre, January 14, I believe it is, 1938.

Q. And is that same stamp on each of the pages of the various sections of that telegram? A. Yes, sir. Yes, I believe that is the same. Yes, sir.

Q. Now, I am not too clear that you did in fact read that distribution. Did you read the distribution for the—A. I thought I did but I will read it again.

Q. I am interested in the distribution of the Bullitt.

A. 63, from Paris.

Q. The one entitled "Strictly confidential for the Secretary". A. Yes, sir. The top five, Assistant Secretary Wilson, and the rest are Beta. Political Adviser Hornbeck, Political Adviser Dunn, European Division, Far Eastern Division, American Republics Division, and the Near Eastern Division.

Q. I am going to ask you again to be rather specific about that. The information copies you say were delivered or distributed to the top five; is that correct?

A. That is correct, sir.

Q. And after that who got copies of it? A. Assistant Secretary Wilson.

Q. So that would be the top six? A. That is correct, sir.

Q. They got information copies? A. Yes, sir.

[1022] Q. Now, who else got information copies? A. Well, it is not clear, as I stated before, whether these Xs or crosses mean that those offices received copies or simply were shown a copy.

(Marked Government's State Exhibits 55 and 55-A.)

MR. MURPHY: You may examine.

MR. CROSS: May I have those exhibits you just had?

MR. MURPHY: Yes (handing).

Oh, excuse me, Mr. Cross, did we mark the other one, the one that I gave you, the English—

MR. CROSS: I think you marked a photostatic copy. The original there I want to use.

MR. MURPHY: You have the original?

MR. CROSS: Yes.

MR. MURPHY: All right.

Cross Examination by Mr. Cross:

Q. Mr. Anderson, apparently Government's State Exhibits 48, 50, 51 and 52 have been disarranged; I mean arranged in reverse order. Would you arrange them, please, in consecutive order? I have arranged the others.

A. Yes.

Q. Now will you produce the original of the Hawkins memorandum? A. Which one, sir? January 8th?

Q. The Hawkins memorandum to Mr. Sayre of January 8, [1023] 1938.

MR. MURPHY: Will you tell me what number that is so I can follow?

MR. CROSS: I am referring to Exhibit 48 of the Baltimore exhibits. The first one of the microfilm.

Q. Can you detach that memorandum from Mr. Sayre's so I can show it to the jury? A. It is fastened to the file, sir.

Q. All right, let us have the whole thing. Tell me what is in the file it is fastened to. First is the memorandum from Harry C. Hawkins for Mr. Sayre, January 1938. All right, next. A. Attached to that is a memorandum adressed to Mr. Hawkins by Mr. Darlington, dated December 31, 1937.

Q. And the copy of that is marked pages 3 to 18?

A. The original is 1 to 16, sir.

Q. Well, is that the original of this copy, can you tell? A. It seems to be a copy of this, yes.

Q. All right, the third paper is what? A. The third paper is a draft of a memorandum to the German Embassy which was drafted in the Trade Agreements Division by Mr. Darlington on December 31, 1937, but it was not sent.

Q. And is that pages 19 to 22 except that that is the original and this is a photostat or the microfilm of the copy? A. Well, I don't know what you mean by the original, [1024] sir. This is a copy.

Q. A copy? A. Yes. The original of this apparently has been destroyed. It was not sent.

Q. All right, on the one that you have are there some initials? A. Yes, sir.

Q. And that does not appear on page 22, does it?

A. It is page 4 here. That is correct, sir.

Q. The next? Is that all in that file? A. Yes, sir.

MR. CROSS: Ladies and gentlemen of the jury, I am going to hand you these three papers so that you may refer to them when I am asking questions.

(Addressing witness) Please do not put that file away because I want to ask some more questions about it.

Q. First, Mr. Murphy asked you with reference to this Hawkins memorandum if it had the name Harry C. Hawkins signed, didn't he? A. Yes, sir, I believe he did.

Q. And that is on page 2, I think, the Hawkins memorandum. That is an actual signature? A. I assume so, sir.

Q. And then in blue pencil there are some initials on the lefthand corner; do you see those? A. Yes, sir.

Q. And then on the first page—you were not asked about this—on the first page there is "Department of State, Division of Trade Agreements," isn't there?

A. On this memorandum here, sir?

[1025] Q. Yes. A. No, sir. Assistant Secretary—oh, the letterhead?

Q. The letterhead. A. Yes, sir.

Q. The letterhead is "Department of State, Division of Trade Agreements"? A. Yes, sir.

Q. And then there is a stamp there. Will you read the stamp? A. "Assistant Secretary of State, January 11, 1938, Mr. Sayre."

Q. And the stamp is superimposed over a part of the date "January," isn't it? A. Yes, sir.

Q. And then there is a blue checkmark on "Mr." and goes through the "S", isn't there? A. That is correct, sir.

Q. Now, the second document here is on a letterhead, the Department of State, Division of Trade Agreements, is it not? A. That is correct, sir.

Q. And then in pencil "File U. B. O.," right? A. Correct.

Q. And then there is a stamp there. Can you read the stamp? A. The stamp is the Division of Communications and Records, August 4, 1938.

Q. And then on the first page there is filed August 13, 1938? A. Yes, sir.

Q. Now, at the end of this memorandum which is 16 pages, there is the typewritten legend "TA: Darlington: MPD"; is there not? A. Yes.

Q. And then there are certain initials? A. Yes, sir.

[1026] Q. Will you read those? A. These are the initials of Mr. Darlington. I don't know his first initial, but the last one looks like a D to me, and the next I can't identify. This, however, looks like Harry Hawkins—"H.H."

Q. There are three initials in pencil? A. Yes, sir.

Q. Slightly above the legend that I have read, "T.A: Darlington: MPD"? A. Yes, sir.

Q. Now next is the memorandum, and it has—can that be disengaged so I can look to see what is under it?

A. Yes.

Q. Underneath there is some shorthand? A. It appears to be, yes, sir.

Q. Shorthand characters? A. Yes.

Q. "Hawkins, December 31"—this is in pencil—"1937"?

A. Yes, sir.

Q. And then "Not sent, filed with memo F.U. U.B.L.;" is that right on the first page? A. Yes, sir.

Q. And then at the end on page 4 is the legend "Department of State, Washington," then a blank, "T.A. Darlington: MPD, 12/31/37"? A. Yes, sir.

Q. And then you have Mr. Darlington's initials?

A. Yes.

Q. You have "H.H."? A. Yes.

Q. Do you have "W.F."? A. Yes.

[1027] Q. "E.U., E.A.," and "A.S."? A. Yes, sir.

Q. Now, when did you first see these three papers?

A. I couldn't tell you that, sir.

Q. In what department were you, Mr. Anderson, in 1937 and 1938? A. In the Division of Communications and Records.

Q. What section? A. I believe it was called the European Section.

Q. Well, that had to do with keeping the records when they came back? A. Certain types of records, yes, sir.

Q. What were your duties during that period? A. I was supervisor of that record section.

Q. As such what were your duties? A. Well, determining decimal classifications, routing, general supervision of the record section.

Q. As they came back did you have anything to do with routing them before they went? A. Yes, sir.

Q. Well, isn't that done by a routing clerk? A. Well, all of us had to do that, sir.

Q. Beg your pardon? A. All of us had to do that, sir, on many occasions.

Q. Well, during that time who was it that made these signs or checkmarks and cross marks on the papers?

A. You mean on the telegrams, sir?

Q. Yes. A. That was done by the distribution clerk in [1028] the telegraph branch.

Q. You never worked in that department? A. Yes. I worked in the code room on occasions.

Q. When? A. Oh, any number of times. Whenever they were overloaded they called in all the records personnel to assist; Saturday nights, Sunday and so on.

Q. You don't really know what the "X" really means?

A. No, sir, I don't.

Q. Well, coming to that letter, because I think it appears in some of the papers, and it means, and I will ask you now if that is not what it means, that in addition to receiving an information copy the "X" indicates that it is routed through that office, and in cases where you have "Xs" appearing on these distribution sheets you will find the stamp of those offices appearing on your action copy, isn't that a fact? A. I do not know, sir. It could be.

Q. Well, I show you some and perhaps it will clear it up. Now Mr. McLean, who is associated with me here, came down to the State Department sometime last February and saw some papers, didn't he? A. I do not know of my own knowledge, sir.

Q. You were not there? A. I did not see him, no, sir.

Q. Do you know whether certain of those papers were gotten together at that time for the purpose of exhibiting them to him? A. I understood that they were, sir, but I [1029] do not know it of my own knowledge.

Q. When did you first see any of those original papers in this case? A. That is impossible to say, sir. I might have seen this one in 1937 (indicating) and again I may have seen it in 1940 or 1945—any time.

Q. When do you first have any recollection of it?

A. When we were asked to produce these.

Q. When was that? A. Well, it was early in the summer, I think, of this year.

Q. Now do I understand that you say that these three papers were stapled together that way when you first got them? A. Yes, sir, they were.

Q. When was that? A. When I first saw them this summer. In other words, when they were pulled out of the file they were stapled together.

MR. MURPHY: What group were you referring to so that I know?

MR. CROSS: I am referring to those three documents which describe the Hawkins memorandum to Sayre of January 1938.

MR. MURPHY: I think they are Exhibits 48, 50 and 51, perhaps.

MR. CROSS: Well, the originals of those.

May I have Exhibit 13-A?

MR. MURPHY: Mr. Anderson has it.

[1030] MR. CROSS: Will you get those out and leave these others out for the time being. I want to show the jurors the papers we refer to. Will you get out Exhibit 13-A?

THE WITNESS: I am sorry but you will have to identify it.

MR. CROSS: 13-A is the Jones memorandum that is partly typed and partly longhand dated February 9, 1938, and which is now attached to the memorandum of Dr. Hornbeck dated February 11, 1938.

MR. MURPHY: I object to the "now attached" unless Mr. Cross knows of his own knowledge where it was attached.

MR. CROSS: I know where it was not attached.

MR. MURPHY: Maybe he ought to testify.

MR. CROSS: I am going to ask the witness.

Q. Do you have that? A. Yes, sir.

Q. Do you remember testifying here at the first trial?

A. Yes, sir.

Q. At that time this paper that I am now going to refer to, the second paper here, which is the Jones memorandum of February 9, 1938, you did not have that with you at that time, did you? A. To the best of my recollection, I did, sir.

Q. You did? Now let me read to you—and I am not questioning your honesty or good faith in the matter, I

just [1031] want to straighten this out. This is page 1131 and this is cross-examination:

"Q. Can you give me from your files, Mr. Anderson, a memorandum on little memorandum paper from the Division of Far Eastern Affairs? It is dated February 9, 1938, and it has the name Jones down at the bottom of it."

Is that the second paper there?

A. I believe it is.

Q. (Continuing) "A. I don't seem to have it, Mr. Murphy, unless it is attached to one of those telegrams. I don't have it, sir.

"Q. Suppose I show you this copy, a small copy that is attached there (handing to witness). Does that appear to be a photostat of a State Department memorandum?

"A. Yes, sir, it does.

"Q. Have you seen the original of that? A. I believe I have. It is attached to—I think it is attached to a dispatch, what we call a dispatch from Yokohama."

MR. MURPHY: Will you read the next question?

MR. CROSS: "Mr. McLean: I have no objection to the photostat."

And the photostat was marked and not the original.

Q. (Continuing) At that time you did not have that original, did you? A. Yes, I did, sir.

Q. You did? A. I certainly did, sir. It was attached [1032] to the dispatch from Yokohama as I stated. I did not have it physically in my possession at the moment. It was in the evidence or in the hands of one of the attorneys.

Q. I am not trying to confuse you, but there are two reports from Yokohama, aren't there? A. Two dispatches from Yokohama.

Q. Two dispatches from Yokohama; the so-called Boyce reports? A. That is correct, sir.

Q. And one is dated January 6, 1938? A. That is correct, sir. In fact, there are two.

Q. I said one is dated January 6, 1938? A. Yes, sir.

Q. And the other is dated January 18, 1938? A. That is correct.

Q. And that memorandum of Jones was attached to the one of January 18, 1938, was it not? A. That is correct, sir.

Q. And at the last trial you did not have the Yokohama January 18th Boyce report, did you? A. Yes, I did, sir.

Q. You know it was not put in evidence, don't you?

A. I certainly handed them in. I know I had it with me, sir.

Q. I am not questioning that, but it was not put in evidence, was it? A. I cannot testify to that. I don't know what was put in evidence.

Q. When you stated, as you did at the last trial, that [1033] you think it was attached, that you had seen it and it was attached to some Yokohama report, you referred to the Yokohama report of January 18, 1938, of Boyce, didn't you?

A. No, sir. I did not refer to any particular one. I said I thought it was attached to a Yokohama dispatch.

Q. Have you got the Yokohama report, the Boyce report, of January 18, 1938? A. Yes, sir.

Q. As a matter of fact a subpoena was served on the Secretary of State sometime ago, wasn't it? A. Yes, sir.

Q. And you appeared early in the trial in response to that subpoena? A. Yes, sir.

Q. And one of the papers that was examined was this Yokohama report of January 18, 1938, wasn't it? A. I believe so, sir.

Q. And was there not also examined at the same time a report by a Mr. Stinebower? A. A report, sir?

Q. A memorandum, the Stinebower memorandum. A. Well, I have the subpoena here. I don't recall it.

Q. Don't stop for that. But at any rate you do recall that the subpoena covered the January 18, 1938 Yokohama report? A. I believe so, sir.

Q. Now will you refer to that so that we may see it?

A. Is this the one you refer to (handing)?

Q. No. I want the one of January 18th. A. (Witness hands.)

[1034] Q. And that is attached to the Jones memorandum, isn't it? A. I would say the Jones memorandum was attached to it, sir.

Q. Well, they are attached together, aren't they?

A. Yes, sir.

Q. I did not mean—A. The dispatch comes in first and the memorandum is written on the basis of the dispatch.

Q. At the first trial you did have, and there was produced Dr. Hornbeck's memorandum of February 11, wasn't there?

A. I believe so, sir.

Q. And that was not attached to either the Jones memorandum of January 9th or the Yokohama report of January 18, 1938, was it? A. To the best of my recollection, they were, sir—both of them.

Q. And put in evidence in that way? A. As far as I know, yes, sir.

Q. Now I ask you with reference to the Jones memorandum. That is dated February 9, 1938, isn't it? A. Yes, sir.

Q. Can you tell from the stamps what office after the Far Eastern Division got the Yokohama report? A. The Assistant Secretary, Mr. Messersmith, the Commercial Office, the Economic Adviser, the Far Eastern Division, and somebody has made a notation here "To Commerce Department." Presumably they received copies.

Q. How about Dr. Hornbeck's office? A. I don't see any [1035] stamp there; not his office stamp, no, sir.

Q. What is his stamp? A. Political Adviser. "PAH" is the symbol.

Q. Was there more than one copy in the entire State Department of that memorandum? A. Of this memorandum?

Q. The memorandum of Jones. A. I could not answer that, sir. I would not know. I have no way of knowing that.

Q. You would not know? A. No, sir.

MR. CROSS: Now may we have the enlargements turned over to Exhibit 13, please.

(Complied.)

MR. CROSS: Ladies and gentlemen, here is the Jones memorandum of which that Baltimore Exhibit 13 is a copy, and a part of that is in longhand.

Q. From any record that you have found have you found any evidence whatever of any copy having been made of this memorandum that is part in typewriting and part in longhand?

A. No, sir.

Q. So that the only thing that you found in the Department that relates to this Baltimore Exhibit 13 is this Jones memorandum that is partly typed and partly in longhand? A. Yes, sir.

Q. And there is nothing to indicate there the distribution? A. No, sir.

Q. And on that Yokohama report, the Boyce report of [1036] January 18, 1938,—it did not go to Mr. Sayre's office, did it? A. There was no indication of it, no, sir.

Q. When these papers circulate among the different offices they are usually clipped together, are they not?

A. Generally, yes, sir.

Q. And then when the papers get back to the record room, or to "Records" as it is called, they are generally stapled together? A. That is true.

Q. And whoever staples them attempts to use their best judgment in what papers should be stapled to what?

A. Yes, sir.

Q. And it may be that may not represent the way they circulated among the officers? A. That is possible.

Q. And so if they have been unstapled at any time, or if they are stapled in a different manner than they were when they circulated, then about the only way you can tell as to where this Jones memorandum went would be its context and the context of the Boyce report of January 18, 1938, isn't that true? A. That is essentially correct, yes, sir.

Q. And there is not any question, is there, Mr. Anderson, in your mind, that that Jones memorandum of February 9, 1938 refers to the January 18 Yokohama report, or Boyce report, and not to the January 6, 1938 report?

A. It certainly refers to the dispatch to which it is [1037] attached, because it quotes certain statements in there, sailing dates, and so forth.

MR. MURPHY: Will you repeat that?

THE WITNESS: The chit by Mr. Jones, the short 3 x 5 affair, definitely refers to the dispatch to which it is attached because it covers a certain statement made in the dispatch. It covers a sailing date of the Japanese ship mentioned.

Q. And when you say the "dispatch" you mean the Boyce report of January 18, 1938? A. I am sorry. I don't know what you mean by report. A report is one type of document and—

Q. I should have said the Boyce dispatch of January 18th.

A. I do not quite get your question.

Q. I say the Jones report, the Jones memorandum, definitely refers to the Boyce dispatch and is physically attached? A. I don't think there is any question about it.

Q. And that one is January 18, 1938? A. Yes, sir.

Q. And there is another Boyce dispatch dated January 6, 1938? A. Yes, sir, I believe that is correct.

Q. In the Baltimore exhibits there is a copy, typed copy of the Boyce dispatch of January 6, 1938, is there not?

A. Yes, sir.

Q. And there is none of the dispatch of January 18, 1938 which the jury is now looking at? A. I am not too sure [1038] about that, Mr. Cross. There are so many documents here for me to bear them in mind.

MR. CROSS: I am not going to take the jury's time and the Court's time now.

May I have the Baltimore exhibits. I might as well be sure of them. I want Exhibits 5 through 8 and 12, 13 and 15. (Handed.)

Now, ladies and gentlemen of the jury, Baltimore Exhibit 5 is the Boyce transmittal letter, I would say, of January 6, 1938. That is Baltimore Exhibit 5. Then Baltimore Exhibit 6 seems to be somewhat a synopsis or an outline of what it is, that is, Exhibits 6 and 7, and Exhibit 8 is the Boyce dispatch of January 6, 1938 (handing to jury).

Q. Now, the memorandum of Dr. Hornbeck's is dated February 11, 1938, is it not? A. Yes, sir.

Q. That Hornbeck memorandum referred to the Boyce report that I have just handed the jury, Exhibits 5 through 8, didn't it? A. Yes, sir.

Q. And will you read the stamps that appear on the originals of 5 through 8? A. I can't follow the exhibit numbers, Mr. Cross, because my documents are not marked that way.

Q. I am sorry. Well, they would be stapled together, Government's Exhibits 5 through 8? A. Numbers don't mean [1039] anything to me. My documents are arranged according to source and I do not have the exhibit numbers on them.

Q. Do you have the letter from Mr. Boyce to the Secretary of State of January 6, 1938? A. Yes, sir. The dispatch.

Q. The dispatch? A. Is that the one you have reference to (indicating)?

Q. Will you read the stamps that appear on that and give the dates? A. The Secretary of State, February 15, 1938; the Economic Adviser February 14, 1938; the Far Eastern Division, January 25, 1938; the Adviser of Political Relations, Mr. Hornbeck, February 9, 1938; the Commercial Office of Assistant Messersmith on March 11, 1938; the Assistant Secretary of State, Mr. Sayre, February 16, 1938. I believe that is all, sir. But copies were sent to O.N.I.

MR. MURPHY: Will you identify what you are reading from. Is that an exhibit number?

THE WITNESS: There is no exhibit. It is a dispatch No. 358, January 6, 1938, from the Consulate at Yokohama.

MR. CROSS: Baltimore Exhibit 8.

Q. Now the Hornbeck memorandum—have you that there? I think that is the first one that is attached here. The Hornbeck memorandum that is now attached in front of the Jones memorandum and the dispatch from Yokohama of January 18, [1040] 1938, says: "I feel that you will wish to have knowledge of the facts and appraisals given in Mr. Jones' very informative memorandum herein based on consul Boyce's report."

Now that refers to the January 6th dispatch, doesn't it, and not to the little memorandum that is marked Exhibit 13?

A. There is nothing to indicate specifically what date or what dispatch Mr. Hornbeck refers to.

Q. Haven't you tried to assemble these in some intelligent way? A. Yes, sir.

Q. Jones has a very long memorandum that is Exhibit 13. You have a copy of this Jones memorandum, have you not, of February 7, 1938, a long memorandum? A. Oh yes; yes, sir.

Q. And it is perfectly obvious, is it not, that the Hornbeck memorandum of February 11th refers to Mr. Jones' memorandum of February 7th—

MR. MURPHY: Unless the witness has personal information, one of the points Mr. Cross has made, I don't see how he can testify.

MR. CROSS: I will waive it.

Ladies and gentlemen of the jury, here is the January memorandum of Mr. Jones as compared to this memorandum here. I will read again what Dr. Hornbeck said, addressing it to the Secretary of State, Mr. Wells, Mr. Sayre, and [1040a] Mr. Murphy, "I feel that you will wish to have knowledge of the facts and appraisals given in Mr. Jones' very informative memorandum herein based on consul Boyce's report," and then all these names are checked and there is a memorandum in longhand, pencil, "A most in-

teresting report." And then the stamp of the Secretary of State, February 15th, and Under-Secretary of State, February 15th.

[1041] BY MR. CROSS:

Q. Now, will you look at the stamps on the Boyce Yokohama report of January 18—Exhibit 8, is it?

A. January 18?

Q. Yes. Now will you look at Exhibits 5 to 8; that is the January 6, 1938, and accompanying papers.

A. This is January 6.

Q. Now will you look at the stamps on each of those and tell us whether or not those two batches of papers did not go to offices on different dates, the same offices, or some of the same offices on different dates?

A. Well, the January 18 dispatch from Yokohama went to Mr. Messersmith's office, the commercial office that is, on February 12, 1938, and to the Economic Adviser on March 16, the Far Eastern Division, on February 9; and the January 6 dispatch from Yokohama went to the Economic Adviser on February 14, 1938, and to Mr. Hornbeck, the Political Adviser, on February 9, and the Far Eastern Division on January 25, 1938.

Q. And what was the filing date of the January 6, 1938 one? A. March 17.

Q. And what was the filing date on the January 18, 1938? A. March 21.

Q. So they had a different course through the State Department on different days? A. I would say so, yes, sir.

[1042] Q. And, as a matter of fact, the Dr. Hornbeck memorandum that you have attached to the Jones memorandum here—this first paper—went with Exhibits 5 to 8 and Exhibit 12, did it not? A. I am sorry, I didn't understand your question, Mr. Cross.

Q. I say Dr. Hornbeck's memorandum that is attached in front of the Jones memorandum went with these exhibits 5 to 8, 12, 13 and 15, did it not? A. I will have to translate the exhibit numbers into the documents themselves before I can answer or even understand that.

Q. Well, didn't Dr. Hornbeck's memorandum really go with these papers that I am now showing you, the first page being memorandum from Mr. Hawkins of February 2, 1938, and next the Boyce dispatch of January 6, 1938? A. I don't think anyone can say that, sir. It is my personal opinion, however, that this—

Q. Well, not your opinion, but this memorandum refers to some of the papers here that you clipped together with the January 6, 1938 Boyce report?

A. That is a matter of opinion, sir. I don't know what Dr. Hornbeck refers to specifically here. He does not say.

Q. Well, he says a very informative memorandum of Mr. Jones, and you do find a long memorandum of Mr. Jones of February 7, 1938, that accompanied the first [1043] Boyce report, don't you? A. That is correct.

Q. And this other one here is when typed out seven lines? A. It is my belief that this memorandum of Mr. Hornbeck's actually refers to this memorandum here (indicating).

Q. Yes; and when you say "this memorandum here" that is the memorandum of February 7, 1938, a memorandum of Mr. Jones? A. That is correct, sir.

Q. And it is not attached to it but attached to the Yohohama report of January 18, 1938? A. That is correct.

Q. Now, what was this Jones memorandum of February 7, 1938, attached to when you brought the papers here?

A. It was attached to this file.

Q. By "this file" you mean the January 6, 1938 one that did go to Mr. Sayre's office? A. Yes.

Q. And the other two papers here, the January 18, 1938 Boyce report, and the February 9 went, as we have already seen, to different offices? A. Yes.

Q. On different days? A. Yes.

MR. CROSS: Now, may I have either the photostat or the original of this Dr. Hornbeck memorandum of February 11, 1938?

MR. MURPHY: Do you know the number, Mr. Cross?

MR. CROSS: Well, it would be State Exhibit—between 15 and 12.

[1044] THE COURT: Did you want a recess now?

(Short recess)

BY MR. CROSS:

Q. Just at the intermission, Mr. Anderson, you told me that the Hornbeck memorandum of February 11, 1938, really should be attached to the Jones memorandum of February 7, 1938, did you not? A. I think it is quite possible, sir, but there is actually no way to prove it. It is my personal opinion that it should be, yes, sir.

Q. And not attached to the Jones memorandum here of February 9 or the Boyce report of January 18, 1938?

A. Yes, sir.

Q. As a matter of fact, both of these dispatches are called reports in the context of Mr. Jones' memorandum or based on Consul Boyce's report?

A. What Dr. Hornbeck meant there, I believe, was the report—

Q. Of January 6, 1938? A. Was this (indicating).

Q. Yes, that is January 6th. And that is now marked Baltimore Exhibit 8? A. That is my belief, but there is nothing to prove it.

Q. And attached to that file of papers which has the January 6, 1938 Boyce report, was also this memorandum of Jones of February 7, 1938, is there not?

A. Yes, sir.

[1045] Q. And really this memorandum here of Dr. Hornbeck, in your opinion, now that these matters have been called to your attention, should be detached from this and attached to that group of papers (indicating)?

A. I don't have the authority to do that, sir.

Q. No, but I say it would be more intelligible if this memorandum was physically attached and made a part of that as it obviously has not anything to do with the Jones memorandum of February 9, 1938, or the Boyce report of January 18, 1938? A. I would not exactly use the word "obviously", Mr. Cross. It is possible that it does refer

to this, as a matter of fact, I think it does, but you just can't prove it.

Q. So you have got to do it from context?

A. He does not give you sufficient information to identify.

Q. "Mr. Jones' very informative memorandum"—there is nothing informative about this memorandum, is there?

A. That is a matter of opinion. Some of the officers in the Department might consider it very informative.

Q. You really think it belongs to this?

A. Yes, I think so, sir.

MR. CROSS: Now, if we can have those numbers in some way identified so we will know what we are talking about.

[1046] Q. I am going to show you what has been marked here as Baltimore Exhibit 5. That is the Boyce transmittal letter of January 6, 1938. A. Transmitting dispatch, yes.

Q. Now, will you look at the original of that? Have you got the original of that? A. Yes?

Q. You have that? A. Yes, sir.

Q. Then next do you have Exhibit 6? A. Yes, sir.

Q. Next is Exhibit 7? A. Yes, sir.

Q. And then next is Exhibit 8? A. Yes, sir.

Q. That is the Boyce report of January 6, 1938?

A. Yes, sir.

Q. Now, this Hornbeck memorandum is marked Exhibit 15, which is now attached to the Jones memorandum, and the January 18. A. Yes, sir.

Q. That you think together with the Jones memorandum of January 7, 1938, should all be a part of this one group of papers? A. That is my opinion, sir.

Q. And the papers that moved together, according to your opinion now, would be Jones memorandum of February 9, 1938, and the Boyce report of January 18, 1938?

A. I can't say that, Mr. Cross. It is very possible that this file moved through the offices in that fashion.

MR. MURPHY: Will you indicate what file that is?

MR. CROSS: This is a file which has not been [1047] marked as an exhibit. I am going to mark it.

MR. MURPHY: I think it is 13-A.

MR. CROSS: January 18, 1938, Boyce report.

MR. MURPHY: I think it is 13-A, is it not?

MR. CROSS: No.

MR. MURPHY: Is that marked Government's Exhibit 13-A in red pencil?

MR. CROSS: Oh yes, I see, on the outside, 13-A.

MR. MURPHY: And you say that moved all in one line, is that what you said? I didn't hear what your testimony was.

THE WITNESS: I am sorry.

MR. MURPHY: You said your opinion was with regard to 13-A that it moved through the department in one group?

THE WITNESS: In that condition, yes, sir.

MR. MURPHY: In one group?

THE WITNESS: Yes, sir.

BY MR. CROSS:

Q. You just said, Mr. Anderson, until Mr. Murphy asked the question that he did, that this Hornbeck memorandum should be attached to the other group, didn't you?

A. Yes, sir, I did.

Q. And therefore it did not move with the Jones memorandum of February 9, 1938, and the Yokohama report of January 18, 1938, did it? A. It is still possible [1048] that it did, Mr. Cross. I can't tell. I can't testify about that.

Q. Well, you know that it is more reasonable that those two went together, do you not?

MR. MURPHY: Your Honor, I think we are now getting into matters of opinion of which this witness has no knowledge.

THE COURT: I should think so.

MR. CROSS: He said it is possible, and I think I ought to clear it up as far as possible that the reason—

THE COURT: He may testify what is possible, I suppose.

MR. CROSS: I think if he testified that, I think I have a right to ask him whether it is more reasonable the other way.

Q. Now, the reasonable explanation is that the Jones memorandum of February 9, 1938, and the January 18, 1938 papers went together, isn't it? A. February 9 and the January 18?

Q. Yes. A. Oh, I think so, yes, sir.

Q. And the February 9 memorandum to Jones, a copy of which is there, and the January 18, 1938 Yokohama report did not go to Sayre's office so far as any stamps are concerned? A. That is correct, sir.

Q. Now, Mr. Anderson, I show you here—and I think [1049] that I am through with these papers if you want to put them away—you produced certain papers clipped together here, did you not, in response to Mr. Murphy's question about a translation of the Aide Memoire?

A. Yes, sir.

Q. The first paper on the top there is not a translation of the Aide Memoire, is it? A. No, sir.

Q. It is the Stinebower memorandum, is it not?

A. Yes, sir.

Q. Which is covered by our subpoena. A. Yes, sir.

Q. What is the next paper? A. The next paper is an English translation of the German Aide Memoire.

Q. And the next one? A. Is the German text of the Aide Memoire as handed in by the German Embassy.

Q. And the next? A. The next is what you would refer to as the distribution sheet made in the department in preparation for the trial.

Q. Well, that distribution sheet shows that the originals of those papers were sent to the FBI on what date? A. The original to FBI, April 7, 1949.

Q. Now, what did you send to the FBI on that date?

A. I don't know, sir, I had no connection with that. It was handled in the office of the Security Division.

Q. So that the arrangement of the papers when they

were sent to the FBI or when they came back, of course [1050] you have no knowledge? A. No, sir.

Q. Well, will you just let me have the originals here without the photostatic copies? The others are photostatic copies? A. Yes, sir.

Q. Just the originals? A. Yes, sir.

MR. CROSS: I offer the Stinebower memorandum of October 25, 1937, and the Aide Memoire translation.

MR. MURPHY: I have no objection, Mr. Cross. The State Department does not like them marked, if you could substitute copies.

MR. CROSS: Well, I haven't any objection in this case. There are, however, one or two that I shall ask to have marked, but I haven't any objection as to these.

(Marked Defendant's Exhibit UU.)

MR. MURPHY: Do you want to introduce two of those, Mr. Cross?

MR. CROSS: Yes, I think I had better.

MR. MURPHY: Have the witness tell us again what they are. I have no record of it.

MR. CROSS: First is the Stinebower memorandum of October 25, 1937; the second is the translation of the Aide Memoire. They have been marked Defendant's Exhibit UU.

MR. MURPHY: I offered a translation. I wonder if it is the same. Is it the same as 52-A, Mr. Witness?

[1051] THE WITNESS: Yes.

Q. Now, when were these two documents stapled together in that way? A. I couldn't tell you that, sir.

Q. So the fact that they are stapled together now does not mean that that is the way they traveled through the department? A. Not necessarily, no, sir.

Q. Well, the original went to the FBI on April 9, 1949, didn't it? A. I believe so, yes, sir.

Q. Now, you had some photostats attached to the same file. Are they photostats of either of these papers, or are they photostats of the microfilm?

A. These appear to be photostats of the microfilm.

Q. Not photostats of either of these two papers?

A. No, sir, I don't believe so.

Q. Well, did you have anything to do with putting photostat copies of the microfilms with the originals?

A. No, sir.

Q. That assembling was someone else's?

A. Yes, sir.

Q. Now, would you look at the papers and read for his Honor and the Jury on the Stinebower memorandum the stamps indicating what offices it went to and the dates?

A. The Economic Adviser, on August 4, 1938; the office of Assistant Secretary of State, Mr. Sayre, on November 23, 1937.

[1052] Q. Go ahead. A. That is all, sir.

Q. And filed when? A. August 5, 1938.

Q. Now, will you tell us what the stamps are on the translation of the Aide Memoire? A. The Economic Adviser, August 4, 1938; Assistant Secretary of State, Mr. Sayre, November 23, 1937; the Under-Secretary of State, Mr. Welles, August 5, 1938.

Q. And it was filed when? A. August 8, 1938.

MR. MURPHY: I think that is 1939, isn't it?

THE WITNESS: Excuse me—

MR. CROSS: 1938.

THE WITNESS: It is very difficult to read, Mr. Murphy. It could be either 8 or 9.

Q. Well, the filing date on the other one was August 5, 1938? A. Yes, sir, definitely.

Q. Now, the notation about it being handed to Mr. Welles by the German Ambassador, will you read that?

A. "Handed to Mr. Welles by the German Ambassador about October 22. H.F."

MR. CROSS: Ladies and gentlemen of the jury, the Stinebower memorandum has not been marked heretofore except in that it may have been included in Mr. Murphy's marking of 52-A. There is no microfilm picture of the Stinebower memorandum or of the English translation.

Q. Now, Mr. Anderson, the Trade Agreement had a [1053] file on this matter, did it not? A. I really don't know, sir.

Q. Well, if Trade Agreement, for instance, had copies of the Hawkins memorandum, and had a copy of various other papers such as appear on the microfilm copies in a file, where would that file in the ordinary practice eventually land up? A. Well, as a general practice when an office accumulates a number of documents and they find no further use for them they either destroy them, or if they have permanent record value, they are turned over to the permanent records people—that is, the people who operate the records.

Q. Well, so long as they have any value to that particular section or division they are kept in a file?

A. I believe so.

Q. And after they have served that purpose you say if they seem to have any permanent record value they are turned over to the records file, but if there are already originals of those turned over to the record files those would ordinarily be destroyed, wouldn't they?

A. If they are originals, you say?

Q. Yes. A. No, they would not destroy originals.

Q. I say, the copies would have been destroyed if the originals had already been turned over to the records department? A. That is the ordinary practice, yes, sir.

Q. Did you know that this Trade Agreements file did not come back or was kept until some time in August—[1054] July or August of—

MR. MURPHY: Your Honor, I don't know what Trade Agreement file we are talking about, so I don't see how the witness and perhaps the jury can understand what one came back.

Q. The copies of the microfilm. Did you ever see that? A. The microfilm copies?

Q. Copies of the Hawkins agreement, carbon copies.

A. I don't believe so.

Q. In the ordinary course what would happen to that file?

MR. MURPHY: Your Honor, may I ask Mr. Cross to identify the file? I am not too clear.

THE COURT: I think it would be a good idea, Mr. Cross.

MR. CROSS: The file that I am referring to is the one that contains the carbon copies of the Exhibits 48, 50, 51 and 52.

MR. MURPHY: I don't think there is testimony that there were carbon copies.

MR. CROSS: It is perfectly obvious.

Q. Did you receive a file from the Trade Agreements or did the Records Department have any record of having received from Trade Agreements a file containing the carbon copies of the very papers that you have produced [1055] the originals of here? A. I have no recollection of that, no, sir.

Q. Ordinarily that would be destroyed where you have the originals, wouldn't they? A. Ordinarily, yes, sir.

Q. As a matter of fact, when a document comes in, we will say a cable, it is first decoded; it goes to the decoding room? A. Yes, sir.

Q. And after it is decoded then it is edited or typed? A. It is what they call revised.

Q. It is typed first, isn't it? A. No, excuse me, it is revised.

Q. Revised? A. Yes.

Q. And then typed? A. Then typed.

Q. And then you have your stencil copy? A. You have a master stencil—it is typed on a master stencil.

Q. And then you make one yellow copy?

A. That is correct, sir.

Q. And that yellow copy goes to the offices who have something to do with that particular subject matter?

A. Well, it went direct to the Records Section first for proper recording.

Q. And then it is circulated among the offices that would have something to do with that particular matter?

A. And the Record Section routed the yellow or the action copy to the office having primary responsibility [1056] for it, for the action.

Q. And then you had a number of information copies prepared? A. Yes, sir.

Q. And that would range from about how many to how many? A. Well, it varied considerably depending on the nature of the message.

Q. From about 25 to 30 to over a hundred? A. 25 to 40 or possibly 50.

Q. Up to a hundred? A. I doubt that there would be that many, Mr. Cross.

Q. Then assume that you sent, or whoever decided where information copies should go sent out 15 copies, what happened to the balance, the extra copies? A. They were retained temporarily in the code room files, I believe, with the code text copy. Now, you must bear in mind that I was not initially assigned to the code room. I was only detailed there now and then, so I can't speak authoritatively for the code room.

Q. So far as you knew, tell us about the practice. There were extra copies, we will say 25 or some copies kept in the code room? A. It is possible.

Q. And then the master copy, that one copy of that white copy that we saw with the stamp on the side was kept there with the extra copies? A. That was retained permanently in the file.

[1057] Q. So if any office wanted a copy and called up, was any record kept that a copy was sent to that office?

A. So far as I know, no, but I can't speak authoritatively on that because I have nothing to do with that.

Q. You said, I think, in answer to a direct question, that every Monday morning they picked up the information copies? A. From the action offices.

Q. From the action offices? A. Yes, from all of the offices in the department.

Q. That got an information copy? A. Yes.

Q. Did you keep any record of where you picked up the information copy? A. So far as I know, no record was kept, no, sir.

Q. No record was kept of how many extra copies were kept, how may copies were requested from offices that were not originally sent copies, no records were kept of the information copies that were actually received;

that is true, isn't it? A. I don't know, sir; I couldn't answer that.

Q. And no record was kept of the time that these extra copies were kept or when they were burned, or how many copies were burned, was there? A. I don't know, sir. I had nothing to do with that.

THE COURT: I think we will adjourn now. You can't finish with this witness today, I take it?

[1057a] MR. CROSS: No. It would take too long. I will have about a half hour to three-quarters of an hour.

THE COURT: Then we will adjourn until 10:30 o'clock on Monday morning.

(Adjourned to December 5, 1949, at 10:30 a. m.)

[1058] New York, December 5, 1949; 10:30 o'clock a. m.
Trial resumed.

(The following occurred in chambers:)

THE COURT: What is it you wish to put on the record, Mr. McLean?

MR. McLEAN: If your Honor please, this relates to the prospective witness, Rosen. As your Honor knows, Mr. Rosen claimed a privilege against self-incrimination before the grand jury, was held in contempt by Judge Rifkind, appealed to the Circuit Court of Appeals for this circuit where the conviction of contempt was reversed and his privilege was sustained.

Mr. Murphy has previously stated he proposed to call Mr. Rosen as a witness. On Saturday, December 3rd, I telephoned Mr. Rosen's attorney, Emanuel H. Bloch, and asked him whether Mr. Rosen proposes to claim his privilege if called as a witness at this trial. Mr. Bloch told me that Mr. Rosen would claim the privilege with respect to any questions pertaining to his membership in the Communist Party and with respect to any questions pertaining to his transaction involving the Ford car [1059] which at one time belonged to Mr. Hiss. Mr. Bloch also told me that he had so advised the Government some time ago. I think that about covers it.

MR. MURPHY: The only thing I wish to state is I am supposed to be the one that Mr. Bloch told. I have no recollection of him telling me that.

MR. McLEAN: I think perhaps we should also put in the record this: We respectfully request that, your Honor, if there is any possible question as to whether this is the position of the witness Rosen, you call Mr. Rosen before you in the absence of the jury and ask him whether or not he does propose to claim the privilege.

MR. MURPHY: I think that would be unnecessary. I think we can all assume Mr. Bloch's statement to Mr. McLean is the statement of the witness.

THE COURT: If there is any doubt about it I would rather have Mr. Bloch, the attorney, here.

MR. MURPHY: I have no doubt about it, Judge.

THE COURT: You take that as the statement?

MR. MURPHY: Oh yes.

THE COURT: Then it is unnecessary to call Mr. Bloch.

MR. McLEAN: It would seem so in view of Mr. Murphy's statement, yes.

MR. CROSS: Is it necessary for us to claim [1060] our rights when the testimony is offered or can we now save any rights to the admission of that?

THE COURT: I will leave that to you.

MR. CROSS: I object to his appearing as a witness in view of the statement that his counsel has made to Mr. McLean, as to which I understand Mr. Murphy raises no question as to its accuracy—as to Mr. Rosen's decision.

THE COURT: In view of this, Mr. Murphy, do you wish to call the witness Rosen?

MR. MURPHY: Yes, I do, Judge.

THE COURT: You have a number of questions to put to him?

MR. MURPHY: Yes, I have, Judge. I propose to ask him about his address; about whether he was affiliated in any way with the Communist Party, and what he had to do with this automobile, if anything; whether he had any connection at all with Mr. Chambers, Mr. Peters or Mr. Hiss.

THE COURT: Is there anything further you gentlemen wish?

MR. CROSS: I think that covers it.

MR. MURPHY: Thank you, Judge.

MR. McLEAN: Thank you.

[1061] (The following in open court:)

THE COURT: You are not finished with Mr. Anderson, are you, Mr. Cross?

MR. CROSS: I would like to continue the cross-examination of Mr. Anderson.

WALTER H. ANDERSON, resumed the stand.

Cross Examination continued by Mr. Cross:

Q. Mr. Anderson, will you get from the original papers again for me the Jones memorandum of February 9, 1938, and the Yokohama report of January 18, 1938—the Boyce short report. A. (Handing.)

MR. CROSS: Mr. Murphy, do you have a photostat of the short Boyce report?

MR. MURPHY: No, we do not. It is not an exhibit.

MR. CROSS: It is not an exhibit?

MR. MURPHY: I don't think so.

MR. CROSS: Then I would like to offer the Jones memorandum of February 9, 1938, and the Boyce report, dated January 18, 1938, and have the photostatic copy of the January 18th report substituted.

MR. MURPHY: They are marked as an original exhibit with a little paper on them, but no photostats.

MR. CROSS: Yes, but I want a different grouping.

Q. Would you look, Mr. Anderson, at this report and also the Jones memorandum of February 9th. Those are [1062] the two papers that you say you think went together?

A. Yes, sir.

Q. So that if we took that little Jones memorandum, copy of which is marked Baltimore Exhibit 13 and put it with the short Boyce report of January 18, 1938, we would get the two papers that you think circulated together among certain officers in the State Department?

A. Yes, I believe so.

Q. Now, are you authorized to detach these papers?

A. Well, of course—

MR. CROSS: Maybe I can deal with it this way. May I have a photostatic copy made of the short Boyce report and when that is done have it physically attached to the Jones memorandum of February 9, 1938, and I will offer those as a defendant's exhibit.

(Marked Defendant's Exhibit VV.)

THE COURT: Is that the Jones memorandum?

MR. CROSS: The Jones memorandum and the short Boyce report and I ask that the number of both be Defendant's Exhibit VV-1.

(To be marked Defendant's Exhibit VV-1.)

Q. So when we have those two papers attached we would then have the papers that you think went along with the short Jones memorandum? A. Yes, sir.

Q. That is the one, Baltimore Exhibit 13? A. Yes, sir.

[1063] Q. Now will you give me with that clarification the distribution of that Yokohama report of Boyce of January 18, 1938, that was accompanied by the original Jones memorandum that has just been marked Defendant's Exhibit VV?

A. Well, there was no distribution, Mr. Cross. You mean the routing?

Q. The routing of the documents themselves. A. Yes, sir: the commercial office of the Assistant Secretary of State, Mr. Messersmith—

Q. And give me the date. A. February 12, 1938, and the Economic Adviser, March 16, 1938, and the Far Eastern Division, February 9, 1938, and there is an indication here that copies were sent to the Department of Commerce and then of course the Files. That is all, sir.

Q. Now in the original papers that you have brought here you have physically attached not only the Jones memorandum of February 9, 1938, and the short Boyce

report of January 18, 1938, but also the Hornbeck memorandum of February 11, 1938, have you not?

A. Yes, sir.

[1064] Q. And also you have a photostatic copy of the Hornbeck memorandum, a memorandum showing the distribution, and a photostatic copy made of Baltimore 13? A. Yes, sir, but they are not part of the official files, sir.

Q. Now, the official file here you say has the Jones memorandum, the Boyce report of January 18, and the Hornbeck memorandum of February 11, 1938? A. Yes, sir.

Q. And it has appeared that the Hornbeck memorandum has been marked State Exhibit 15. Now, in your testimony I think you have already stated that you did not see these original papers, had no recollection of seeing these original papers, these three that I have just mentioned, until the preparation of this case started sometime in the spring of 1949? A. I have no personal recollection, no, sir.

Q. And you had nothing to do with getting them out and sending them to the FBI? A. Well, we, of course, pulled the documents from the files. As to turning them over to the FBI, no, sir, we had nothing to do with that.

Q. That is, you speak of pulling the files when they are taken out and sent over to the FBI? A. Yes.

Q. And you put in some marker indicating that the file has been pulled? A. Yes, sir.

Q. And turned over to the FBI? A. Yes.

Q. And then were they subsequently returned? A. Yes, sir.

Q. Do you have any record when those papers were returned [1065] from the FBI? A. No, sir.

Q. And you haven't any record of the arrangement of those three papers when they went to the FBI, do you?

A. No, sir.

Q. Or the arrangement when they were returned?

A. No, sir.

Q. So that when you testified in the record in this case—I do not seem to have the page; I will find the page

for you in a minute—when these were introduced this question was asked you:

"Q. And that exhibit, as you say, is the way it came from the records? A. That is correct, sir.

"Q. When did it come from your records?

"Mr. Cross: In that way?

"A. March 21, 1938.

"Q. March 21, 1938? A. Yes, sir."

Now, you haven't any personal knowledge of that, have you? A. No, sir.

Q. And you don't know what the condition of those papers were on March 21, 1938? A. That is correct, sir.

MR. CROSS: The page reference there, Mr. Murphy, is transcript page 971, 972.

Q. Now, just so we can try to clear up some of these points, I next show you a photostat of the Hornbeck memorandum that is physically attached here and marked 13-A, along with [1066] the Jones memorandum of February 9, 1938, and the short Boyce report. I ask you if that Hornbeck memorandum did not accompany the Jones longer memorandum dated February 7, 1938? A. Accompanied when, Mr. Cross?

Q. Beg your pardon? A. When?

Q. As it was routed through the various offices in the State Department in February and March of 1938?

A. That would be difficult to say, sir.

Q. Well, from the context of that Hornbeck memorandum, he refers to a very interesting report of Jones, doesn't he?

A. Yes, sir.

Q. And that is a memorandum of how many pages that you have of the Jones memorandum, February 7, 1938? A. Eight pages, sir.

Q. Eight pages? A. Yes.

Q. And the only other memorandum of Jones is this short one, one sentence typed and the other in longhand? A. Yes.

Q. And then on that memorandum of Dr. Hornbeck

there is a notation, "A most interesting report"? Isn't there?

A. Yes.

Q. And that is a notation by Dr. Feis? A. Yes, sir.

Q. Now, will you tell his Honor and the jury what the stamps are that appear on the Hornbeck memorandum of February 11, 1938? A. The Under-Secretary of State Mr. Wells, February 15, 1938; the Secretary of State, February 15, 1938; [1067] Assistant Secretary of State, Mr. Sayre, February 16, 1938. That is all, sir.

Q. And then there is an initial on the original, isn't there? If you will look at the original, Mr. Anderson, I think you can see that there is the initials "AH"?

A. That is correct, sir.

Q. And then there is the name of Mr. Feis or his office, and also Mr. Murphy, the consular commercial office, James J. Murphy, and they are checked, are they not, on the Hornbeck memorandum? A. Yes, sir.

Q. That, according to the practice, would indicate that they had seen the memorandum? A. Yes, sir.

Q. So that in addition to the Secretary, Mr. Wells, Mr. Sayre, the paper itself would indicate that it was seen, but no date indicated by Mr. Feis and Mr. Murphy, Mr. James J. Murphy? A. That is reasonable to assume, yes, sir.

Q. Now let us take the Jones memorandum. Are there any stamps on there? A. No, sir.

Q. So that the Hornbeck memorandum, which is State Exhibit 15, took all the stamps and the checkmarks as to the routing among the officers? A. Yes, sir.

Q. Then I will ask you to look at the original of State Exhibits 5 to 8, and I show you the photostatic copy to indicate what I am asking (handing). Now will you give us the routing on Exhibit 5 which had accompanying it [1068] Exhibit 6, Exhibit 7 and Exhibit 8, and the date it was received in the respective offices? A. The Secretary of State, February 15, 1938; the Economic Adviser, February 14, 1938; the Political Adviser, Mr. Hornbeck, February 8, 1938; the Far Eastern Division, January 25, 1938; the Commercial Office of the Assistant Secretary

Messersmith, March 11, 1938; the Assistant Secretary of State, Mr. Sayre, February 16, 1938. And copies apparently were sent to the Military Intelligence and the Naval Intelligence.

Q. And that was filed on what date? A. March 17, 1938.

Q. And will you tell his Honor and the jury the date the Hornbeck memorandum that we think accompanied the longer Jones report was filed? A. February 11, 1938.

Q. Filed? A. Oh, filed? I am sorry. I thought you asked the date.

Q. No, the file. A. March 21, 1938.

Q. March 21. And Exhibits 5, 6, 7 and 8 were filed March 17, 1938? A. Yes, sir.

Q. Indicating that they had a different course of routing or, at least, different time schedules? A. I would say so, yes.

Q. Now, will you tell us—I don't know whether you have—the filing date of the Jones memorandum of February 9, 1938? A. There is no filing date specifically indicated for it, sir, but presumably it accompanied the file and was [1069] filed the same date as the dispatch, March 21.

Q. And by "dispatch" you refer to the Boyce short report of January 18, 1938? A. Yes, sir.

Q. And that is March what? A. March 21.

MR. CROSS: Now, I would like to have marked and have stapled together, Mr. Clerk, the Hornbeck memorandum of February 11, 1938, which has been marked Government's State Exhibit 15, and also the longer Jones report of February 7, 1938, all as one exhibit. I would like to have them physically attached.

(Marked Defendant's Exhibit WW.)

THE COURT: What was the number of the Hornbeck report?

MR. CROSS: It has been marked heretofore as Government's State Exhibit 15.

THE COURT: You are merely offering as Exhibit WW the Hornbeck report?

MR. CROSS: No, the Hornbeck memorandum, February 11, 1938, and the Jones memorandum of February 7, 1938.

Q. From the stamping of this document which is Government's Exhibits 5 through 8, it would look as if that document and the accompanying papers circulated independently of any memorandum, does it not? A. Not necessarily, sir.

Q. I know not necessarily, but the fact that they have so many stamps on it and initials, and so on, would indicate [1070] that that was the top paper? A. Well, not necessarily. Now this memorandum could very well have been on top of this dispatch when it circulated through some of these offices (indicating).

Q. Well, the filing date of this first Boyce report, the longer report, and the filing date of the other papers as I have called to your attention are different, aren't they? A. Yes, sir.

Q. So that would indicate that they got separated?

A. It is possible, yes, sir.

MR. CROSS: Now I would like to offer the longer Boyce report which will be a photostatic copy of State Exhibits 5 to 8, inclusive.

(Marked Defendant's Exhibit XX.)

MR. CROSS: Now may I see 13-A?

(Witness hands exhibit to Mr. Cross.)

Q. I want to call to your attention this stamp on Defendant's Exhibit XX, Division of Far Eastern Affairs, January 25, 1938, Department of State, and then just above it is a notation, "Copy in FE."

As this document circulated among the various offices there were copies attached in the usual practice or procedure of the State Department, weren't there?

A. As of 1938 the dispatches came in in original ribbon copy with a varying number of carbon copies.

[1071] Q. And from the indication there it would appear that there were carbon copies attached to the ribbon copy; and when you say "ribbon copy" you mean the first or the one that the keys strike? A. Yes.

Q. That there were carbon copies attached, and when it got to Far Eastern Division, the Far Eastern Division took off a copy? A. Yes, sir.

MR. CROSS: Ladies and gentlemen of the jury, I do not have a photostatic copy now, but here is the photostatic copy of the Jones memorandum which I have put in here in front of the short Boyce report of January 18, 1938, and we will get a photostatic copy of that later and staple these two then. That Mr. Anderson thinks were the two papers that went together.

MR. MURPHY: Let me see what you are doing, Mr. Cross.

MR. CROSS: I have taken the Jones memorandum and I am going to have a photostatic copy of the original of this put together as the grouping of the papers as they circulated through the Department.

MR. MURPHY: Well, you do not propose to put this which I am holding, Defendant's Exhibit VV, in here?

MR. CROSS: No, I am asking for a photostatic copy later. I am just putting it in here to show what the photostat will be of. That is the Boyce report of January 18, [1072] 1938.

There is now physically attached the Hornbeck memorandum, which is Government's Exhibit State 15 and the longer Jones report which circulated in the way indicated by the stamps here were routed that way, and then the longer Boyce report which has the various stamps and shows a copy was left in FE.

Now, can we arrange to have a photostatic copy made of the short Boyce report?

MR. MURPHY: Yes.

MR. CROSS: And then we will physically attach it to Defendant's Exhibit VV.

[1073] MR. CROSS: I wonder if we could have the Baltimore exhibits turned back to Baltimore 2.

(Complied.)

Q. Now, Mr. Anderson, will you produce for me the original of a telegram from Paris, March 2, 1938, No. 324.

A. (Produced.)

Q. You have it? A. Yes, sir.

Q. That cablegram, No. 324, from Paris of March 2, 1938, came in two sections, did it not?

A. Yes, sir.

MR. CROSS: The transcript at page 909 shows that Mr. Murphy read section 1 but did not read section 2. He said: "Now, that cable came in two sections. The second section has no relation to the Baltimore documents, so I won't read it."

Ladies and gentlemen of the jury, we claim otherwise, and I want to read section 2 of that cable and you will have in front of you the Baltimore Exhibit 2 so you can see whether or not any of those matters referred to in the second section appear there, and please note the contents of the second section (reading).

Now, was that, the second part, marked as Government's State 2?

MR. MURPHY: Yes. It is part of the same exhibit.

[1074] Q. Mr. Anderson, will you look at the original of the MID dispatch, copy of which was sent to the Far Eastern Division.

MR. CROSS: And may I see the Government's exhibit on that?

(Handed.)

Q. (Continuing) You have it in front of you? A. Yes, sir.

Q. And attached to it is a distribution sheet of the War Department, isn't it? A. Yes, sir.

Q. And at the bottom is there a notation for Mr. Hamilton? A. That is correct, sir.

Q. Who was Mr. Hamilton, and what position did he hold in January of 1938? A. To the best of my recollection he was Chief of the Far Eastern Division.

Q. And do you remember his full name? A. Maxwell M.

Q. And in my notes on that they have a notation on the distribution sheet of the War Department "For Mr. Hamilton." A. Yes, sir.

Q. Now there is a longhand notation on that document, isn't there? A. Yes, sir.

MR. CROSS: May I have that and show it to the jury?

(Handed.)

MR. CROSS: And may I have the original of [1075] Baltimore Exhibit 10?

(Handed.)

Q. First I will ask you about the stamps that appear on the first page of the dispatch from the War Department.

A. The Far Eastern Division, January 12, 1938. The Division of Communications and Records February 8, 1938.

Q. Are there some initials in the stamp, or near the stamp of the Far Eastern Division? A. Yes, sir.

Q. Will you give me those initials, and if you can, tell me whose initials they are?

A. I can't identify the initials. It looks like "M".

Q. "MS"? A. "MS" or "MSH", possibly, and then there is a "DT".

Q. Would it be your memory they were initials for Myrles Meyer, who was in charge of the China desk of the Far Eastern Division? A. I don't remember that, sir.

Q. And then there is a "B" there. A. Oh yes.

Q. Did you know Mr. Joseph W. Ballentine at that time in charge of the Japanese desk of the Far Eastern Division?

A. I knew of him, but I did not know him personally.

Q. Can you tell from the practice whether that initial is Mr. Ballentine's? A. I could not, sir.

Q. There are some other initials there.

A. "DT".

Q. Do you know whose initials those are? A. I do not [1076] recall at the moment.

Q. Dorothy Tugwell? A. It is possible. I did not know her.

Q. Well, there was such a person who was in the Trade Agreements up until the fall of 1937 and then was—

A. I don't remember. No.

Q. But the initials are "DT"? A. Oh yes. Yes, sir.

Q. And then there is another initial "H".

A. Yes. I thought that was part of the other but it is probably another initial.

Q. Very likely Mr. Hamilton? A. It is possible.

Q. Do you know what the practice was in the Far Eastern Division in early 1938 as to when an officer would put his initials on a paper?

A. I don't know as to the practice in the Far Eastern Division necessarily, but the practice generally in the department was to put the officer's initials within the impression of the various office stamps.

Q. I meant when that was put on had he read it?

A. Yes, sir.

Q. And he would put it in his outgoing basket and it was ready to go to someone else or else to file?

A. Yes, sir.

Q. And that document has no indication, stamp, initial or anything else to show that it went to any office [1077] in the State Department but Far Eastern Division, has it?

A. That is correct, sir.

Q. On transcript page 920 you were asked this question on direct:

"Q. But you have no way of knowing who else in the State Department saw it? A. That is correct."

Now as a matter of fact, Mr. Anderson, you have no personal knowledge whatsoever with reference to who saw this State Exhibit 10, have you? A. That is correct, sir.

Q. And the only evidence that appears in the records of the State Department as to where that document went appear on the distribution slip attached and the stamps and the initials that appear on the first page of the dispatch itself? A. Yes, sir.

Q. And that shows it only went to the Far Eastern Division? A. Yes, sir.

MR. CROSS: May I see the original?

(Handed.)

MR. CROSS: Ladies and gentlemen of the jury, I want to show you this State Exhibit 10 which is the underlying document and to it is attached certain papers here. One is the memorandum, undated, handwritten date of January 7, 1938, beginning:

"A reliable source reports that since the signing of the triparty anti-Comintern pact" to arrest [1078] the Urunchi-Lanchow road, and then distribution office symbol "FE", Feis, Division of Far Eastern Affairs, and then ahead of that Maxwell M. Hamilton.

Q. That was something that was prepared in the State Department in connection with the preparation of this case, was it not? A. Yes, sir.

Q. And then there is attached to it a photostatic copy of this original which has been marked Baltimore 10?

A. Yes, sir.

MR. CROSS: Ladies and gentlemen of the jury, here is State Department Exhibit 10 with the distribution sheet and I call your attention to the stamps that Mr. Anderson has indicated and also on the original of this Baltimore 10 is a notation—I am not sure whether pencil or ink—"1/7/38" and on the original here it is written out "January 7, 1938."

Q. Could you tell whether this has a Government watermark on it? A. I could not, sir.

MR. CROSS: Well, this is the one that has been identified as having the Government watermark on the paper.

Now we can turn to Baltimore 11.

Q. Mr. Anderson, may I have the cable from Johnson, the Ambassador to China, or representative—he may have been a consul—sent from Hangkow and dated January 23, 1938. It is No. 47. A. (Produced.)

[1079] MR. CROSS: Ladies and gentlemen of the jury, this cable from Johnson, No. 47, dated January 22, 1938, from Hangkow has been read, but I am going to read it again, and I will ask you to follow in Baltimore 11 the

summary or excerpts that appear under the date of January 22, 1938 (reading).

Q. Now will you give me the distribution of that again. Is it annexed here? Will you read it?

A. I could not read it, sir. It is in evidence.

Q. (Handing.) A. The Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Wilson, Political Adviser Hornbeck, Dr. Feis, the Far Eastern Division.

[1080] Q. It did not go to Mr. Sayre's office according to the distribution sheet? A. That is correct, sir.

Q. You said it went to Far Eastern, didn't you?

A. Yes, sir.

Q. Will you get the memorandum of Mr. Sayre concerning his talk with Hurban? A. Yes?

Q. I don't know whether you have it in mind sufficiently, Mr. Anderson, so you can testify without looking at the actual document, but on that State Exhibit 10, on the 7th, 8th and 9th pages there are certain numbers 1, 2, 3, 4, 5; do you recall those? A. No, I do not, sir.

Q. Now, have you got the original of 36? A. Yes, sir.

Q. Will you read to us the stamps that appear on the original of State Exhibit 36 and the dates? A. The Assistant Secretary of State, Mr. Sayre, March 2, 1938; the Division of Trade Agreements, February 19, 1938; and the Division of Communications and Records, February 28, 1938.

Q. Now, is there some pencil notation on that paper indicating that a copy of that was taken and retained by Trade Agreements? A. There is a notation within the impression of the stamp, the letter "T" and then the word "Copy".

Q. Well, "T" and the word "Copy" means copy taken, doesn't it? A. I don't know, sir. I assume a copy was [1081] retained in that division.

Q. And that is in the stamp of the Division of Trade Agreements, February 19, 1938, "Department of State T copy"?

A. Yes, sir.

Q. And for such a dispatch or such a memorandum as this, this was treated somewhat like a dispatch, wasn't it, with copies attached, and any office could detach and retain a copy that the document was routed to? A. Well, the procedure varied. The memoranda of conversations such as that, perhaps copies were made; sometimes they were not made. Normally they did make copies.

Q. Of such a memorandum of conversation? A. Yes, sir.

MR. CROSS: Now may we have 42.

(Government's Baltimore Exhibit 42 displayed on blackboard.)

Q. Would you, Mr. Anderson, produce the original of this marine report or cable? A. I don't quite understand that, sir.

Q. Would you produce the marine cable or radiogram dated March 28, 1938? A. Yes.

Q. Do you have it? A. Yes.

Q. May I see it, please? A. Yes (handing).

MR. CROSS: Ladies and gentlemen of the jury, this has been read, but I will read it again (reading).

Q. Would you give us the distribution of that?

[1082] A. The Secretary, the Under-Secretary, Assistant Secretary Messersmith, Political Adviser Hornbeck, Dr. Feis and the Far Eastern Division.

Q. According to the distribution sheet, an information copy of that marine radiogram did not go to Mr. Sayre's office? A. That is correct, sir.

MR. CROSS: Will you please turn to 47.

(Government's Baltimore Exhibit 47 displayed to jury.)

Q. Mr. Anderson, will you produce the original of a cable from Secretary Hull to the Embassy in London, dated March 30, 1938? A. Yes (handing).

Q. You have now handed me the Hull cable which I requested, which is No. 134? A. Yes, sir.

Q. This was not produced and put in evidence in your direct, was it? A. I don't recall, sir.

MR. CROSS: Well, I have looked at the transcript on pages 1004 and 1005 and I do not see any reference to its being marked.

I would like to mark a photostat copy of this Hull cable to the Embassy.

MR. MURPHY: I have no objection to your marking it. It is already marked in my copy, Mr. Cross.

MR. CROSS: Well, it wasn't read or referred to.

MR. MURPHY: Well, do what you want. You can mark it if you care to.

[1083] MR. CROSS: Well, if it is now attached as a part of State Exhibit 47—

MR. MURPHY: 47.

MR. CROSS: —I will read it then, which was not done on direct:

"One: We will arrange to deliver our note to the Diplomatic Missions at Washington on March 31 and release the text to the press on the afternoon of April 1st for publication in the morning newspapers of April 2;

"Two: We agree that as a matter of courtesy the Italian and Japanese Governments should be informed of our intention to escalate;

"Three: We agree to proceed at once with discussions under paragraph 3 of Article 25. It is not considered necessary to send over technical experts from the Navy Department at the outset of the negotiations."

And then in red pencil "Hull".

There is the legend at the bottom "EU RTP RI".

Q. Do you know what that means? A. Could I see it, Mr. Cross?

Q. Yes (handing). A. The "EU" means the European Division; the initials "RTP" are those of the drafting officer, I believe it was Mr. Pell; the "RI" I believe are the initials of the stenographer.

[1084] Q. Then that outgoing cable was routed through various offices in the State Department for review and approval, was it not? A. Yes, sir.

Q. And that is indicated by the initials at the bottom of that cable? A. Yes, sir.

Q. Will you read what they are? A. The Political Adviser Mr. Dunn, Far Eastern Division, the Political Adviser, Mr. Hornbeck, the Navy Department, and the Current Information Division.

Q. Now, attached to that original is the distribution, or is a memorandum showing the distribution of copies of that cable, is there not? A. Yes, sir, I believe there is.

Q. Will you read it? A. European Division, Political Adviser Dunn, the Far Eastern Division, Political Adviser Hornbeck, and the Current Information Division.

Q. It did not, according to the records, go to Mr. Sayre's office? A. No, sir, but I would like to see the distribution copy itself. This was made up in some other office.

MR. CROSS: I will ask Mr. Murphy.

Q. Well, have you got the distribution? A. I don't know whether it is here or not.

MR. CROSS: Was there a distribution sheet attached to the cable No. 134?

MR. MURPHY: No, I don't have it. The only [1085] distribution is the one marked 47-A.

MR. CROSS: Well, I think we will have to mark this then.

MR. MURPHY: I object to marking that.

Q. Was this produced by you from the records of the State Department? A. The telegram, yes, sir.

Q. Now, the distribution sheet attached to it was made up by someone in the State Department, wasn't it? A. I believe so, sir.

Q. And it was made up from a distribution sheet that appeared on the white copy, wasn't it? A. It would have been on a pink copy, sir.

Q. Pink copy? A. Yes.

Q. That is, an outgoing cable, is on green? A. The original is on green.

Q. And there are a number of information copies furnished to various offices? A. Yes, sir.

Q. And those are pink? A. Yes, sir.

Q. And attached to a pink copy in the State Depart-

ment will be a distribution of this cable, will it not? A. Yes, sir.

Q. And from that was made up this distribution sheet that is attached to the original? A. I would think so. I don't see how you could get it any other way.

MR. CROSS: I offer it.

MR. MURPHY: I object, your Honor, unless we have [1086] the pink copy. I have no objection to having the pink copy marked, but this witness does not know how that is made up, nor do I.

Q. Mr. Anderson, you were subpoenaed by the defense to bring certain papers here, weren't you? A. Yes, sir.

Q. Have you got that subpoena with you? A. I believe so, sir.

THE COURT: Does he need to look at the subpoena, Mr. Murphy? Couldn't you consent?

MR. MURPHY: I will consent, your Honor, that the witness brought whatever he was told to bring.

MR. CROSS: No, that is not what I want. He was asked in paragraph 6 of the subpoena to bring all records including any recent memoranda relating to the distribution of cable No. 134—which is this—from Secretary Hull to the United States Embassy in London, dated March 30, 1938, bearing file No. 500.A15, construction, 141W. Now, this subpoena covers it. We have done all we can to bring the original here. He has here the original to which is attached a copy made up, I assume, in preparation of the case following, as he has indicated, what appears on the distribution sheet. We are certainly, I think, entitled to have that marked as a paper indicating the distribution, and if the pink copy can later be located, I have not any objection to it being put in.

[1087] Q. Have you looked for that? A. No, sir, not in connection with this, sir. When the case was first given us to produce the documents, we did, yes, sir.

Q. Well, when you got the subpoena here that was given to you, didn't you check up to see whether or not you

were bringing to New York the papers that were called for in that subpoena? A. Yes, sir, I believe I have, sir.

Q. Well, did you check No. 6? Will you look at your notes on your subpoena and let us see? A. Yes, sir.

Q. Have you checked that? A. All of the items were checked, sir. We produced all of the documents to the best of our ability.

Q. Well, have you got the pink copy? A. Well, the pink copy actually is no longer in existence. It is on microfilm.

Q. Well, have you got an enlargement of the microfilm of that cable? A. No, sir.

Q. Where is it? A. It is in Washington, sir.

Q. Well, that would show the distribution, wouldn't it?

A. I mean the microfilm, no print has been made that I know of.

Q. Well, if an enlargement were made that would show the distribution, wouldn't it? A. Yes, sir, it should.

Q. And it was from that that distribution sheet was made in the course of preparation of the case? A. I believe so, sir.

[1088]MR. CROSS: I think in view of that we are entitled to mark this paper showing the distribution.

MR. MURPHY: Your Honor, I have no objection to a photostatic copy or a photograph of the microfilm showing the distribution. All I am objecting to is having the white piece of paper marked now showing the alleged distribution because this witness can't identify it. That is my only point.

MR. CROSS: It is attached to the original of the original document, and made from a paper that we have subpoenaed and is not here, and we have to move forward, and it seems to me that we should be permitted, I respectfully submit, to mark this, and I am entirely willing—

MR. MURPHY: Your Honor, in order to stop the quibbling, if Mr. Cross will agree to mark that one now, and we get hold of the other, to mark the other when it comes, why, I do not mind.

MR. CROSS: I will be glad to have it marked as another exhibit.

MR. MURPHY: All right.

MR. CROSS: How shall I do this? This is physically attached to the original, and I don't want to detach it.

MR. MURPHY: Tear it off.

THE WITNESS: It is quite all right, sir.

[1089] MR. CROSS: Well, you tear it.

(Paper referred to detached and handed to Mr. Cross.)

MR. CROSS: I offer as Defendant's Exhibit YY a distribution sheet for cable No. 134 which is Government's State Exhibit 47—I don't know how it is marked—but it is part of Exhibit 47.

(Marked Defendant's Exhibit YY.)

MR. CROSS: If you would like, Mr. Anderson, we can have a photostat made of this and return the original to you.

THE WITNESS: I have no need for it, sir.

MR. CROSS: I beg your pardon?

THE WITNESS: I have no need for it, sir.

MR. CROSS: So we may retain it?

THE WITNESS: Absolutely.

MR. CROSS: May I see Government's State Exhibit 47, Mr. Murphy?

(Exhibit referred to handed to Mr. Cross.)

Q. I am showing you Government's State Exhibit 47 that has a photostatic copy of the cable 134 but no distribution. Then I call to your attention the dispatch dated February 26, 1938, consisting of three pages, and that shows on the third page in quintuplicate? A. Yes, sir.

Q. So that when that dispatch was received by the State Department there was the original and four copies attached, [1090] according to that notation? A. Yes, sir.

Q. And then as it was routed to offices, if they wanted to take and retain a copy they would simply take it off and send the original and the other copies along?

A. Yes, sir.

Q. Mr. Anderson, I am reminded by my associate that the distribution of Exhibit 36, which was that memorandum of Mr. Sayre's with regard to his conversation with the Czechoslovakian Minister Hurban—do you have any record of that, the distribution? A. Any record of the distribution?

Q. Yes. A. No, sir.

Q. All that you have is shown by the stamps which show that the document was dated February 18, 1938; that it was received by Trade Agreements on February 19, 1938; that it was then sent to DCR on February 28—or February 24, which was it? A. February 28.

Q. February 28, 1938, and that it was sent back to Mr. Sayre's office on March 2, 1938? A. That is correct, sir.

Q. And it also has that notation that a copy was taken by Trade Agreements? A. Yes.

Q. Except for that you have not anything to show distribution? A. No, sir.

THE COURT: Would the jury like a recess now?

(Short recess.)

[1091] Q. Mr. Anderson, will you produce the original of cable from Johnson from London, No. 69, dated January 28, 1938, and also a cable of the same date from Johnson, No. 70. A. (Produced.)

MR. CROSS: Ladies and gentlemen of the jury, the photostatic copy of telegram No. 70 is part of Government's State Exhibit 11, Group 4, but it was not read, and in order that you may see how it fits into Baltimore 11 we have turned back the blown-ups and I will first read the first part of cable 69 and then I am going to read No. 70, and I call to your attention the quotes here in the second sentence (indicating on Baltimore exhibit).

MR. MURPHY: Your Honor, I don't think No. 70 is in evidence yet.

MR. CROSS: I thought not but it is physically attached.

MR. MURPHY: Physically attached to what?

MR. CROSS: Group 4.

MR. MURPHY: I am sorry.

MR. CROSS: My impression was that 70 was not marked but I find it physically attached. Let us make no mistake.

MR. MURPHY: All right.

MR. CROSS: Then it is understood cable 70 from Johnson, to Secretary of State, from London, dated [1092] January 28, 1938, is stapled to Government's State Exhibit 11, Group 4, which is in evidence.

THE COURT: Has it been marked?

MR. CROSS: The group has been marked.

THE COURT: Including that document?

MR. CROSS: Including No. 70.

In the first part of this Baltimore 11 it relates to cable No. 69 that was read. Perhaps I might go back and pick it up a little (reading).

Then Baltimore 11 reads "In a separate cable Johnson said that Captain Phillips of the British Admiralty has informed the American Naval Attache."

And then a quote, and that quote appears in the second paragraph of cable 70 and I will read it (reading).

Q. Now will you tell us what the stamps are, if there are any, on that cable 70? Oh, do you find 70 there? 70 was detached from 69? A. Yes, sir.

Q. And when you assembled the papers were they detached? I mean when you got the papers together were they detached? A. I don't know what you mean, sir. All the papers are detached. They are filed according to the subjective classification.

Q. Is cable 70 the same file number as 69?

A. No, sir. It is the same with the exception [1093] of the sub number.

Q. The sub number is 83 and the sub number of cable 70 is 84? A. Yes, sir.

Q. Indicating a separate file? A. Yes, sir.

Q. Now the distribution of 70, will you read to his Honor and the jury? A. Yes. The Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre, and all of these are "Beta": Political Adviser Hornbeck—

Q. Call them X. A. X. Political Adviser Hornbeck, Political Adviser Dunn, European Division, Far Eastern Division, American Republics Division, Near Eastern Division.

Q. I want to ask you a few questions, Mr. Anderson, about X's as they appear on the distribution list.

MR. CROSS: May I have Government's State 3.

Q. (Continuing) Will you look at your originals and get for me the cable from London, from Johnson, dated March 3, 1938, and it has the number 179.

A. Yes, sir.

Q. Now that has X's on the left of a number of offices including "FE", does it not? A. I don't know, sir. I don't have the distribution copy.

Q. I am sorry. I show you the photostatic copy and that has been marked State 3-A. That shows an X opposite [1094] "FE", doesn't it? A. Yes, sir.

Q. Now will you look at the original that you have in front of you and read the stamps on it.

A. The Far Eastern Division, the Division of European Affairs. That is all, sir.

Q. Well, what did you tell us initially the X meant?

A. It is not clear whether the X meant a copy was shown that division or whether they were on distribution: that is, a copy distributed to them.

Q. Who put those marks on there in 1938?

A. The distribution clerk in the telegraph section.

Q. And you don't know anything about the practice at that time? A. Not a whole lot, no, sir.

Q. Who would be the person who would actually know something about it? A. Well, I would think the then Chief of the Division, sir.

Q. Who was that? A. Mr. David A. Salmon.

Q. Would the telegraph section know? A. He was the Chief of the Division and the telegraph section was one part of it.

Q. Someone in that department who had supervision of that during 1937-8 could clear this up?

A. Yes, sir, I would think so, although I asked them and they could not tell me.

MR. MURPHY: What was that name you suggested?

[1095] THE WITNESS: Mr. Salmon, S-a-l-m-o-n. He has retired.

Q. Is Mrs. Corcoran there? A. Mrs. Corcoran was formerly in the telegraph section. She is no longer there. She is in another division.

Q. Do you know anyone down there who is still in the department, working there in 1937-8? A. Yes.

Q. Who? A. Well, there is a Mr. Becker.

Q. He was the assistant chief of the telegraph section, wasn't he? A. Yes, sir.

Q. The chief of the telegraph section at that time has since retired? A. Yes, sir.

Q. Now will you look at the stamps on State 3-A—I think you read those two. A. Yes, sir.

Q. Well, in that case the routing of the action copy went to Far Eastern, didn't it? A. Yes, sir, it went to European Division and the Far Eastern Division.

Q. Well, I mean Far Eastern was one of the two offices? A. Yes, sir.

Q. You think that in addition to getting the original and taking action on the original the X means that it also got an information copy? A. It is quite possible.

Q. You just simply can't tell us? A. No, sir, I can't.

Q. I notice sometimes these X's are on the right-hand side and sometimes on the left. A. Yes, sir.

[1096] Q. You have noticed that? A. Yes, sir.

Q. Does that have any significance? A. It does not mean anything to me. I don't know any reason for it.

Q. Now I want to ask you something about the microfilms.

MR. MURPHY: Might I interrupt a second?

MR. CROSS: Yes.

MR. MURPHY: Could we mark the distribution of No. 70. It was never marked, I think.

MR. CROSS: I think it is marked State 3-A.

Q. Will you detach the distribution sheet so that that can be marked. A. (Complied.)

MR. MURPHY: Can we agree it should be included in Group 4 of State 11-A?

MR. CROSS: There is attached to Government's State Exhibit 11, Group 4, a photostatic copy of cable No. 70 that I have read and the distribution copy will be marked and should be considered a part of Government's Exhibit 11-A, Group 4.

MR. MURPHY: We are marking the distribution copies "A".

MR. CROSS: Well, Government's State Exhibit 11-A, Group 4.

(Document referred to included in exhibit.)

Q. Now, Mr. Anderson, will you produce the Stinebower [1097] memorandum and the English translation of the German Aide Memoire.

MR. CROSS: And may I have Exhibits 48 through 55.

(Handed.)

Q. Do you have it? A. Yes, sir.

Q. You have handed me, and there has been marked as Defendant's Exhibit UU, a 9-page memorandum on the letterhead of International Economic Adviser on International Economic Affairs, Department of State, which has the legend on the 9th page "EA, Stinebower, EB", has it not?

A. Yes, sir.

Q. And would you say that is the ribbon copy?

A. That is the official copy, yes, sir, the ribbon copy, the permanent record copy.

Q. And it has the initial over Mr. Stinebower's name "LS"; is that Mr. Stinebower's initials? A. Yes, sir, I believe so.

Q. Then there is also attached to it the English translation of the German Aide Memoire consisting of 14 pages—no, I am sorry— A. 15 pages.

Q. And then to that is attached the Aide Memoire in German? A. Yes, sir.

Q. Will you read the stamps on the Stinebower memorandum? A. Assistant Secretary of State, Mr. Sayre,

[1098] November 23, 1937. The office of the Adviser on International Economic Affairs, August 4, 1938.

Q. And then the file number. A. File number 611.-6231.

Q. And it was filed when? A. August 5, 1938.

Q. And then on the English translation will you read the stamps and what appears on the first page.

A. The office of the Adviser on International Economic Affairs, August 4, 1938; Assistant Secretary of State, Mr. Sayre, November 23, 1937; Under-Secretary of State, Mr. Welles, August 5, 1938; and then there is a pencil, in blue pencil, a notation at the top of the first page which reads, "Handed to Mr. Welles by the German Ambassador about October 22" and the initials underneath "HF". There is also within the stamp impression of the Office of Adviser of International Economic Affairs stamp, the word "File" and the initials, I think "LS".

Q. The file number on the English translation is what?

A. 611.6231, enclosure 987.

[1099] Q. Does it indicate when it was filed? A. August 8, 1938.

Q. Now, will you turn to the Aide Memoire that is in German. What do you find on the righthand column of that?

A. The file number 611.6231, enclosure 987.

Q. And is there any other notation or stamp on that?

A. No, sir.

Q. Then to that was attached this distribution showing it went to the Under-Secretary, to Mr. Sayre's office, and to Dr. Feis' office? A. Not distribution, sir. Routing.

Q. And the original of those papers that you have just described, according to this notation, were turned over to the FBI on April 7, 1949, and returned to the State Department on May 10, 1949? A. I don't know, sir. That notation was made in another division. I have no personal knowledge of it whatsoever.

Q. Who made those notations? A. I couldn't tell

you, sir. Someone in the Division of Security, I should think.

Q. Would there be such a notation made when the FBI would pull a file in the State Department? A. I cannot answer that. We do not service the FBI direct. It is done through the Division of Security. I do not know the practice.

Q. Is there anything other than that slip that would show you any distribution of the Stinebower memorandum and [1100] the English translation? A. Only the office stamps on this, and the initials.

Q. Do you know where this memorandum, where the information that is contained in this memorandum showing distribution, Under-Secretary, Assistant Secretary Mr. Sayre, and E.A. Dr. Feis was obtained from? Is that from the stamps? A. Yes, sir, I don't see where else they could get it, sir.

MR. CROSS: Now, may I have Baltimore 48?
(Exhibit handed to Mr. Cross.)

Q. Mr. Anderson, are you aware of the fact that that Stinebower memorandum and the English translation are not in the microfilms? A. I don't know, sir.

MR. CROSS: I am now referring, ladies and gentlemen of the jury, to Government's State Exhibits 48, 50 through 55, inclusive, the so-called microfilm pictures, and I think there will be no question but what there is not a photostatic copy. Perhaps we can stipulate there is not an enlargement of the Stinebower memorandum nor of the English translation of the German Aide Memoire in any of these exhibits.

MR. MURPHY: That is correct, and I suppose many others, too.

MR. CROSS: Beg your pardon?

MR. MURPHY: And I suppose many others, but I will stipulate they are not included.

[1101] MR. CROSS: Well, that is the only one I am interested in now. Thank you.

Q. Mr. Anderson, you were directed by the subpoena served by the defense to bring the oath of office

of Henry Julian Wadleigh. Have you brought it, or a photostatic copy? A. No, sir. The personnel records as of that year were returned to the national archives, and his oath of office, if there is any in his files, is in the custody of the archivist of the United States.

Q. Who is head of that department? A. The archivist? I should know but I can't think of his name at the moment.

Q. Now, the subpoena also covered any notes of Mr. Adolf A. Berle, did it not? A. Yes, sir.

Q. And in your first appearance on the stand you testified that you had looked and were unable to find any notes of Mr. Berle? A. That is correct, sir.

Q. Did you find any record that in 1943 he turned them over to the FBI? A. No, sir.

Q. And when you testified you did not know that they had been turned over in 1943 and were in court here?

A. No, sir, I did not know.

Q. Are there releases issued from time to time by the Secretary of State? A. Press releases?

Q. Press releases. A. Yes, sir.

Q. Are the copies kept in the State Department so that [1102] if I gave you the date of a release that could be located and perhaps mailed to Mr. Murphy or to me without too much trouble? A. I really don't know, sir. They are not in the permanent records of the Department in the sense they are in my custody. Now, the division or office which issues those releases, it is quite possible they do have a file.

Q. What office would that be? A. I would think it would come under Mr. McDermott.

Q. That is C.I? A. He is the press relations official in the Department.

Q. I have noticed that a great many of these secret documents or confidential documents went to C.I. in 1938. Mr. McDermott was head of that division? A. I believe he was, sir.

Q. What does the C. I. stand for? A. At that time it meant Current Information.

Q. The press? A. I assume, sir.

Q. And what were the duties in 1938 of the Communications or Current Information Division of the State Department?

A. I really don't know, sir.

Q. You never had any contact with him to know just what the Current Information Division's duties were? A. Not to the extent I would know their duties.

Q. Well, information copies of a great many of these [1103] documents went to the C.I., didn't they? A. Yes.

Q. And that was the division that had the contact with the press and the radio? A. Yes, sir.

Q. I asked you the other day, Friday, and I think that you told me that you were not personally familiar with it, with some of the procedure, and if I ask you something that you don't know about, if you will just indicate, why, I will not pursue it further. As I understand it, when the cable comes in the first thing is the decoding; then the revision, and then it is typed and stencils are made, a master stencil is made, and then copies are run off, is that right? A. That is correct, sir.

Q. And the original is on yellow paper? A. Yes, sir.

Q. And that is the action copy, and that means that it goes to offices that will have something to do with the particular matter? A. That have a primary interest.

Q. And then in addition, just for information to other offices, these white information copies are prepared or mimeographed and sent around? A. Yes, sir.

Q. And the number made varies with various cables running from 25 to 50 or more? A. Well, that is my guess, sir. I actually don't know. As I stated before, I had no direct responsibility with the telegraph section.

Q. Now, Mr. Murphy asked you about picking up these information copies. There is no record kept as to whether [1104] or not you really pick up the information copies, is there?

A. None that I know of, no, sir.

Q. And there is no information kept as to who might get an extra copy, is there? A. I don't know just what you mean by that, sir.

Q. Well, I mean if an office got an information copy and someone else wanted a copy too to work on it or to read, and called up, they could, of course, get it? A. Well, I am not certain as to the practice as of 1938. However, I do believe that when an office requested an additional copy, or some office requested a copy which was not on the initial distribution, I believe that the telegraph branch, I believe they did make a notation on the master copy.

Q. In 1937, 1938? A. I believe so. I may be mistaken.

Q. How long did you keep these extra copies? A. I really don't know, Mr. Cross. I should guess probably 30 days. We did not keep them. The telegraph office did.

Q. Yes. And then there was a master copy showing the distribution of the various copies kept with the extra copies?

A. That was kept permanently. I don't know whether they kept it with the extra copies or not.

Q. Well, there were three information copies that had that stamp on the left that were kept, weren't there, the one in the telegraph room, one by Mr. Salmon, and the other by the chief of the telegraph section? A. There was only [1105] one kept that I know of.

Q. Well, eventually, but I mean during the period that those extra copies were in the telegraph office, were there three such copies— A. So far as I know there was only one.

Q. Then when they were disposed of, how would they be disposed of? A. These extra copies?

Q. These extra copies. A. By burning.

Q. Taken down— A. To an incinerator.

Q. —to the basement? A. Yes.

Q. And put in an incinerator? A. Yes.

Q. Any record ever kept of when they were taken down, or the number of copies? A. I couldn't say, sir.

Q. And, of course, if anyone did not return one of the 30 or 50 or 15, or whatever number were actually sent out, the information copies, there would never be any way of tracing them, would there? A. I couldn't answer

that, sir. I wasn't in that work. It is just out of my field.

Q. Now let us take a particular document, but before I do I want to come back to Exhibit 10. I call your attention to the fact that on the 7th page of State Exhibit 9, the second paragraph from the bottom has a bracket, and then No. 1 and 2. That refers to paragraphs No. 1 and 2 of the Baltimore exhibit, doesn't it? A. Yes, sir.

Q. And that was made in the course of preparation for the trial? A. Yes, sir.

[1106] Q. Likewise, on page 8 there is a No. 3, 4 and 5 opposite certain paragraphs. Those were made for the same purpose? A. Yes, sir.

Q. Then on page 9 there is a pencil notation on the right. Do you know who did that, and what the purpose was? A. No, sir, I do not.

Q. Now let us take No. 30 and see about its distribution. I will describe it to you. This, Mr. Anderson, is cablegram from Vienna from Mr. Wiley, dated February 16, 1938, and his No. 25, and marked "Strictly confidential." Do you have the original of that? A. Yes, sir.

Q. Now, in 1938 that document would come to the wire room, as you have indicated; and about how many people were employed there? A. Well, the number varied considerably. The actual personnel strength of the telegraph section as such was somewhere between 30 and 40 people, I would say, or possibly 50, but they were constantly being augmented by personnel from other operations; that is, the Records Operations, for instance.

Q. Came in temporarily? A. Came in temporarily to help out.

Q. By the "wire room" do you include the code room?

A. No.

Q. How many people were working in the code room?

A. I was speaking of the code room as such actually.

[1107] Q. How about the wire room? A. The wire

room are strictly the telegraphers. I think there are probably about a half dozen.

Q. In the typing room, how many? A. That varied considerably as well. The regular personnel there I think were probably four, five or six.

Q. And then in the editing department? A. The editing, well, two or three maybe. Now, they operated on a 24-hour schedule, you see; there were three eight-hour shifts.

Q. Three or four? A. Three eight-hour shifts.

Q. Then the mimeographing, how many there? A. You mean the operator who ran the machine?

Q. Yes. A. I think there were only two.

Q. Then the distribution, how many were working on distribution? A. Well, it would be rather difficult to say. Three or four perhaps.

Q. Then the messengers? A. The messengers?

Q. Yes. How many messengers did they have? A. The telegraph section I think at that time had two messengers.

Q. In the department there were some 12 or 13?

A. I don't know.

Q. Then in the file room, how many people there?

A. The file of the telegraph section?

Q. Yes. A. Probably two or three.

Q. Now, have you got the distribution of the 30?

[1108] A. No, sir.

Q. Now, if you will just follow the distribution of 30 that is marked "Strictly confidential"—and that is in B code, isn't it? A. Yes, sir.

Q. It went to the Secretary's office, didn't it?

A. Yes, sir.

Q. How many people were in the Secretary's office in 1938? A. I couldn't remember, sir. I think I have the register here, if you want it.

Q. Well, you can refer to that if it will help.

A. 1938?

Q. Yes. A. There were a total personnel in the office of the Secretary of seven people and four messengers.

Q. Now, next it went to the Under-Secretary, didn't it?

A. Yes, sir.

Q. How many there? A. Five and one messenger.

Q. Then it went to the Counselor's office, didn't it?

A. Yes, sir.

Q. How many people there? A. Three and one messenger.

Q. Then it next went to Assistant Secretary Messersmith?

A. Yes, sir.

Q. How many people there? A. 21 and two messengers.

Q. Then to Mr. Sayre's office? A. Yes, sir.

Q. How many there? A. Four and one messenger.

Q. Then to Special Assistant Pasvolsky. How many there?

[1109] A. Three.

Q. Next it went to the Legal Adviser for Mr. Hornbeck, didn't it? A. Yes, sir.

Q. How many people in that department at that time?

A. 29 and two messengers.

Q. Next it went to Mr. Hornbeck's office, didn't it?

A. Yes, sir.

Q. How many people there? A. Three.

Q. Next to Mr. Dunn's office. How many people there?

A. Two.

Q. Next to the European Division. How many people in that division? A. 33 and two messengers.

Q. Then in Far Eastern. How many people there? A. 19 and two messengers.

Q. In American Republics or RA? A. 23 and two messengers.

Q. Near Eastern Division? A. 13 and one messenger.

Q. And CI, Division of Current Information, how many there? A. 14 and two messengers.

Q. Then Mr. Salmon's office. How many? A. The total strength of the division was 170.

Q. That is the division? A. Yes, sir. That includes all clerks at all levels; messengers.

Q. Well, the number of people in the various offices where this message was received, decoded, typed, distributed and routed is some, conservatively, 200, 250 persons? A. You mean [1110] where the actual decoding was done?

Q. And all the offices? A. The recording?

Q. Yes. A. 170, yes, sir.

Q. Well, I was thinking of all these offices where copies went, information copies. A. Oh, I don't know that, sir. I didn't add them.

Q. Well, it is just a matter of arithmetic, adding?

A. Yes, sir.

Q. On the dispatches I think you told us they come in with the ribbon copy? A. Yes.

Q. And with copies attached? A. Yes.

Q. Now, those dispatches are received generally either by pouch or by mail, are they not? A. Pouch or courier, yes, sir.

Q. And then you told us about the incoming cable being on a yellow copy for action; white copy for information; and now outgoing, you say, the original is on green and the information on pink? A. That is right, sir.

Q. By the way, what is the office of SA? A. As of 1938 it was the Special Assistant, I think.

Q. And who was that? A. Pasvolsky.

Q. Do you know where his office was with relation to the suite occupied by Trade Agreements? A. I am not sure but I think his office was on the second floor of the Old State. I am not certain.

[1111] Q. Where was it with relation, if you know, to Trade Agreements offices? A. My recollection of Trade Agreements is that it was either on what they call the basement, which actually is the street floor, or the next floor above, I think on the west side of the building.

Q. Are you sure that his office was not adjoining?

A. I am not sure at all, no, sir.

MR. CROSS: I think that is all.

MR. MURPHY: Your Honor, I will be a few minutes. Shall we adjourn for lunch?

THE COURT: I suppose we better adjourn. It is so close to one.

MR. MURPHY: I think so.

THE COURT: So we will adjourn to a quarter after two.

(Recess to 2:15 p. m.)

[1112] Afternoon Session

WALTER H. ANDERSON, resumed the stand.

Redirect Examination by Mr. Murphy:

Q. Mr. Anderson, at the noon recess you had, just shortly before that, told us about the number of employees in the various divisions or sections of the State Department. Do you recall that? A. Yes, sir.

Q. And that was preliminary to the reading of the distribution of Government's Exhibit State 30 and you were reading the distribution from Government's Exhibit State 30-A which is the distribution legend on the side, do you recall that? A. Yes, sir.

Q. That document, as I read the distribution markings, was given to the Secretary, the Under-Secretary, the Counselor, Mr. Messersmith's office and Mr. Sayre's office, and perhaps four or five others, is that correct?

A. Yes, sir.

Q. And one of the offices that it went to was an office called CI and another office called CC, and then perhaps ten or twelve offices where it did not go, is that correct? A. Yes, sir.

Q. Now some question has been raised as to who was in charge of CI. Who was in charge? A. Mr. Michael J. McDermott.

Q. And the name of the office was Current Information?

[1113] A. Current Information Division, yes, sir.

Q. Who is Mr. McDermott today? A. He is a special assistant to the Secretary of State for press relations.

Q. And he was there in 1938 also? A. Yes, sir.

Q. Does this mean, that is the fact that this confidential telegram went to Mr. McDermott's office, that he then straightaway gave it to the newspapers?

A. Oh, no, sir.

Q. He was in charge of the press relations, was he?

A. Yes.

Q. Was he a State Department employee? A. Oh, yes, sir.

Q. And he took an oath like you took an oath?

A. Absolutely.

Q. How about the heads of all of these other divisions? They were all State Department employees? A. Yes, sir.

Q. I mean a man like the Chief Clerk, he was an employee like yourself? A. Yes, sir.

Q. During all of the time that you have been in the State Department—you have been there 28 years, I think?

A. 28 years as of last March.

Q. Did you ever hear of anybody taking any of these telegrams at all? A. No, sir.

Q. Never did? A. Never did.

Q. Rumor or anything else? A. No, sir.

Q. Now all of these various employees that worked, [1114] let us say, for Mr. Hull, the Secretary's office, they were all the numbers you included when you said seven worked in the Secretary's office? Right? A. Yes, sir.

Q. You have no idea how many of those seven, including the Secretary, saw these information copies, have you?

A. No, sir, none whatever.

Q. And the same is true of Mr. Welles' office, the Under-Secretary? A. That is true, sir.

Q. And when you told us the number of people that worked in his office you did not mean to imply they had copies of these cables? A. No, sir.

Q. You were merely reading from the State Department register telling the Court and jury how many people worked in those offices? A. Yes, sir.

Q. And to the best of your knowledge now all of those people were Federal clerks who took an oath of loyalty, is that right? A. Yes, sir.

Q. You never heard in all of the years you have been there of anybody taking any of them? A. No, sir.

Q. No one? A. Never, no, sir.

Q. Now I call your attention to this particular one we are talking about, No. 30, and as I look at the distribution there it would appear that although one went to Mr. Sayre's office, as it did to others, that none went to the Trade Agreements Section?

[1115] A. It is not so indicated.

Q. And "TA" is the Trade Agreements Section?

A. Yes, sir, it was.

Q. And you can't tell from that mark that looked like an X whether they were handed one or shown one?

A. No, sir.

Q. Because nothing is marked here for "Trade Agreements"?

A. No, sir.

Q. Now can you put your hand on that basic agreement that we know as the MID, that is the one from the War Department on which Baltimore Exhibit 10 was based?

A. Yes, sir.

Q. Have you any way of knowing, Mr. Anderson, how many people in the State Department saw that?

A. Nothing beyond what appears on the face of the document. By that I mean the office stamp.

Q. In other words, unless it has the office stamp you have no way of knowing who saw it? A. No, sir.

Q. Nobody at all? A. No, sir.

Q. The only thing you are sure of is that the people who put the stamp on, at least they might have seen it?

A. Yes, sir.

Q. Now can you tell how it arrived in the State Department? A. No, sir, I cannot.

Q. You cannot tell whether it was brought over and [1116] handed to Mr. Hull, can you? A. It is quite possible it may have been brought over that way.

Q. You cannot tell whether that came over in the mail?

A. No, sir.

Q. You have no idea how it got to the divisions whose stamps are on it? A. No, sir. It might have been brought direct to the division from the proper office of the Military Intelligence Division of the War Department, I don't know.

Q. You have no way of knowing? A. No.

Q. In other words that is not a State Department document, as such? A. No, sir.

Q. It did not originate there? A. No, sir.

Q. Can you tell from looking at it who wrote Mr. Hamilton's name down at the bottom? A. No, sir, I cannot.

Q. In other words, you cannot tell how it was distributed at all from your own personal knowledge? A. I cannot, no, sir.

Q. Or from your experience in the State Department can you tell who it was? A. Only what appears on the face of the document.

Q. And if somebody saw it and did not put a stamp on it you would have no way of knowing? A. That is correct, sir.

Q. That is suppose somebody on the echelon of Mr. Sayre's office called for it, would they receive it?

MR. CROSS: Just a moment. He has admitted [1117] he does not have any knowledge whatever and this speculation, I submit, is not proper examination.

THE COURT: I think that objection is good.

Q. If any office of what we have been calling the top five called for a document would they be given the document? A. Yes, sir, within reason. If it was a document captioned for the President or the Secretary of State, probably not, but appropriate clearances would be made first.

Q. But assuming it did not have either of those two restrictions, would Mr. Sayre's or Mr. Messersmith's office be given a copy if they asked for it?

MR. CROSS: That I think your Honor sustained my objection to.

THE COURT: Yes, I did.

MR. MURPHY: I was just asking the general practice.

MR. CROSS: I submit it was directed to this particular document.

MR. MURPHY: If it was, I apologize.

Q. I am asking generally with regard to documents in the file room, Mr. Anderson. If Mr. Sayre's office called for a copy or record in the file room would they receive it? A. Yes, sir.

Q. Now as you went down the list, starting with Mr. Hull and going down past the Assistant Secretaries, [1118] let us suppose an employee in the European Division, as distinguished from the Chief of the European Division, wanted a document from the Records Division, would they be given directly to him without clearing it?

A. It would depend on his status and as well as on the type of the document.

Q. In other words, some checking would have to be done? A. Yes, sir.

Q. All right. Now do you remember when Mr. Wadleigh was in the State Department? A. I don't remember him as such, no, sir. Only what I read of his being in the Department. I never knew him personally.

Q. Do you know what relative position he had in the Trade Agreements Section? A. I am not certain, but I think it was an economic analyst.

Q. It he had asked for a document routed originally to the top five would he be given a copy?

A. Depends on the nature of the document.

Q. In other words you would have to check on it?

A. Yes, sir.

Q. Who would you check with? A. If he called for a document that did not appear to fall within the province of the Trade Agreements Division but did fall in some other division, it was our practice and policy to clear with the other division first, particularly if it was the highly [1119] captioned document, captioned for the Secretary of State or Under-Secretary, and so forth.

Q. And I think you told us today some record would be on the distribution copy too if somebody who was not on the original distribution subsequently received it?

A. I believe that was the practice in the telegraph section, but I am not too certain.

Q. What was the practice in the Records Section when a file was pulled out at the request of somebody?

A. A charge-out sheet was made describing the document and giving the name and office and room number of the individual requesting.

Q. And then when that document was returned the charge-out slip was destroyed? A. It was cancelled, yes, sir.

Q. So there would be no record of that? A. No, sir.

Q. Now you were asked in connection with Exhibit 3, which was the cable from London dated March 3, 1948, No. 179—do you have the original of that there?

A. Yes, sir.

Q. That is the underlying agreement from which one of these handwritten notes, known as Baltimore 3, was derived, is that correct? A. I don't know, sir.

Q. You are not familiar? A. No.

Q. But you have it there and it is marked Government's Exhibit 3 and the distribution copy is marked Government's [1120] Exhibit State 3-A. What I am interested in is, will you tell the jury please, on the yellow action copy how that was routed. A. It was routed to the European Division and the Far Eastern Division—in that order.

Q. In other words, the yellow copy, the copy that you are holding in your hand, went to each of those offices, is that correct? A. Yes, sir.

Q. Now you know that certain copies of it were made? A. Yes, sir.

Q. I show you Government's Exhibit 3-A, which is a copy of it and which contains the legend of the distribution and ask you to whom was it distributed. A. It was distributed to the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith,

Assistant Secretary Sayre, and then the X's or Beta—PAH, PAD—excuse me, Political Adviser Mr. Hornbeck, Political Adviser Mr. Dunn, the European Division, the Far Eastern Division, American Republics Division and the Near Eastern Division.

Q. All of those last ones were the ones that we have been describing as "Beta", is that right? A. Yes, sir.

Q. And by that you mean you cannot tell whether they were shown a copy or given a copy?

A. That is correct, sir.

[1121] Q. Now, what you are positive of is that the first five, the Secretary, down to and including Mr. Sayre's office, actually received an information copy? A. The record so indicates, yes, sir.

Q. All right. Now will you look at your original, please, and tell us when it was—the telegram was dated March 3, is that correct? A. Yes, sir.

Q. Now, when was it filed? When did it get back into your division? A. April 9, 1938.

Q. Now, when did it get to the Far Eastern Division?

A. April 6, I believe, either 5 or 6. It looks like 6.

Q. So that it was dated March 3, and it got to the Far Eastern Division a month and three days later, is that correct? A. Yes, sir.

Q. And they only held it long enough for you to receive it on April 9? A. Yes, sir.

Q. Now, the information copy, that is, the stencil of the original, went to Mr. Sayre's office the day that it was received or the day following, is that right? A. Yes, sir.

Q. Now, telegram No. 70, which is part of Exhibit 11, group 4. That was the one that I forgot to read to the jury?

A. I am sorry, Mr. Murphy, is that 70 to London? Or is it from London?

Q. I think it is from London. There were two of them, 67 and 70, and they are all part of the exhibit as in- [1122] troduced in evidence, but I forgot to read No. 70 to the jury. Now, what I am interested in, Mr. Anderson, is how that was distributed; in other words, can you

tell from the yellow copy there? A. I cannot give you the distribution from the record copy, no, sir.

Q. Now, I think this is the one right on the top, it is dated January 28, marked "Strictly confidential." Will you tell me how that was distributed?

MR. CROSS: Mr. Murphy, cable 70 was the one that had the distribution made out that I marked, and I said if you got a copy of the microfilm distribution, we could mark it later; so—

MR. MURPHY: I think you are confused about the numbers. We have the distribution copy right here.

THE WITNESS: You are thinking of 134, Mr. Cross.

Q. So that you have the actual distribution copy in front of you for No. 70? A. Yes, sir.

Q. That is the copy from the microfilm? A. Yes, sir.

Q. Now, will you tell this jury how that telegram was distributed? A. To the Secretary of State, the Under-Secretary, the Counselor, Assistant Secretary Messersmith, Assistant Secretary Sayre. The rest of them are Xs or beta.

Q. Now, let me just stop there. Those first five, that is what the indication is on that piece of paper that [1123] you have, how it was distributed, is that right?

A. Yes, sir.

Q. In other words, you are sure that those top five got copies, right? A. The record indicates that, yes, sir.

Q. Now, the balance, we have that beta or X. In other words, you can't tell whether they were either shown copies or given copies, is that correct? A. That is correct, sir.

Q. Now just look quickly and see if the CI got a copy there, either shown a copy or handed a copy. A. Neither one, sir.

Q. CI did not get it? A. No, sir.

Q. How about CC? A. No, sir.

Q. Trade Agreements? A. No, sir.

Q. So there is one we have no Trade Agreements, no CI, no CC, is that correct? A. That is correct, sir.

Q. CC is the Chief Clerk, and CI is Mr. McDermott's office? A. That is correct, sir.

Q. Now see if you can find the dispatch from The Hague, known as State Exhibit 47, which is dated February 26, 1938. Now, is this the exhibit, Mr. Anderson, that you told us came to the State Department with the five copies?

A. Yes, sir.

Q. And you know that because down on the last page is the phrase "in quintuplicate"; is that correct? A. That is correct, sir.

[1124] Q. And you were asked, I think, whether or not as it went through the different departments some of the divisions could have taken a copy; do you recall that? A. Yes, sir.

Q. And I take it you have no personal knowledge?

A. No, sir, I do not.

Q. But you thought that that was possible? A. Very possible, yes, sir.

Q. You gave me the wrong one. This is 194, and the one that is marked in evidence is 193 from The Hague?

A. They are both dated the same day.

Q. I am sorry. So there will be no mistake it is also true that this came in five copies because of the phrase "in quintuplicate"? A. That is right.

Q. Now will you tell us as to these various colored pencil marks on this righthand corner, who put those in there, do you know? A. The routing clerks in the Records Section.

Q. In other words, when this came in in the pouch or mail or courier, it went down to your division and it was indexed, is that correct? A. That is correct, sir.

Q. Then somebody there, after reading it and deciding what the subject matter was, prepared this routing up here?

A. Yes, sir.

Q. And they did that by putting the various initials of the offices, is that correct? A. The office symbols, yes, sir.

[1125] Q. The office symbols? A. Yes.

Q. And then it would be taken around to the first one first, second, third, fourth, and so on? A. Yes, sir.

Q. Now will you look at that and tell us how it was routed, giving us the chronological order? A. The European Division, the Commercial Office of Assistant Secretary Messersmith, the Economic Adviser, Political Adviser Dunn, the Special Assistant, and finally Mr. Sayre's office; Assistant Secretary Sayre.

Q. So Mr. Sayre's office was the last one on that routing, is that correct? A. Yes, sir.

Q. Now, supposing you compare those routing symbols with the stamps of those different offices, and tell us which one was the last one to receive it? A. Well, Assistant Secretary Sayre's office and Mr. Pasvolsky—that is the Special Assistant—had it on the same day, March 16. It is impossible to say who had it first.

Q. But as between those two those were the last two of the routings? A. Yes.

Q. And according to the routing slip wouldn't Mr. Sayre have been last? A. Yes, should have been.

Q. So if the messengers followed the routing slip Mr. Sayre would have received it last? A. Yes.

Q. Now, he received it in his office on what day?

A. March 16, 1938.

[1126] Q. And when did your record room get it back? A. March 30, 1938.

Q. And you say there were copies attached to it?

A. Presumably there were, yes, sir.

Q. Well, it would appear from the original ribbon copy that there were five copies attached? A. Yes, sir.

Q. I dare say you don't know where those copies are?

A. No, sir.

Q. All right. Come to that outgoing telegram from Mr. Hull, known as 134. The equivalent is State Exhibit No. 47. A. Where did that go, Mr. Murphy, please?

Q. I think it went to London. 134. A. Oh yes.

Q. Do you remember that? A. Yes, sir.

Q. That is that green copy that Mr. Cross read to the jury? A. Yes, sir.

Q. And that is included in the Government exhibits, is it not? A. Yes, sir.

Q. And you were asked about these various initials on the bottom of the page; do you recall that? A. Yes, sir.

Q. Now, there are about six sets of initials there. Does that mean on an original outgoing cable that these people were the recipients of the information copy?

A. Not necessarily. Normally they would be.

Q. What did these initials mean, looking at the original green? A. The initials there mean that that telegram was [1127] sent through those offices for their concurrence or disagreement, as the case may be.

Q. In other words, this green telegram was sent to these five or six people? A. That is correct, yes.

Q. In other words, they saw a green telegram?

A. Yes, sir.

Q. And they initialed it if they approved it?

A. Yes, sir.

Q. And after all of them initialed it then it went out?

A. Well, it went through the coordination in review as the final step, and then to the telegraph section.

Q. In other words, after they approved it then it went through another step, and then decoded, and then went out on the wire, is that correct? A. That is correct.

Q. Then after it went out was an information copy prepared? A. Yes.

Q. Now, that brings us to where we were this morning when you had attached to this and at my direction tore it off, a white piece of paper in which you said that you did not know how it was made up; do you recall that? A. Yes, sir, I do.

Q. I have here Defendant's Exhibit YY, which shows a distribution of the telegram to London dated March 30, 1938, to five different places none of which included the office of Mr. Sayre; is that correct? A. Yes, sir.

[1128] Q. And I think you told us that at the time it was attached and at the time it was removed that you did not prepare it? A. That is correct, sir.

Q. And you didn't know whether that did or did not reflect the distribution of that telegram? A. That is correct, sir.

Q. And then we agreed, I think, that the only way you could accurately tell would be to look at that microfilm down in Washington; do you remember? A. Yes, sir.

Q. And it is on that microfilm where the legend, these various initials, are put? A. Yes, sir.

Q. And is checked off there? A. Yes.

Q. Now, I know you have not had an opportunity to go to Washington since noon, but have you been able to telephone down there? A. Yes, sir, I did.

Q. And were they able to find that? A. They were.

Q. Now, subject to correction, and I will produce it when you get back to Washington, will you tell us how it was distributed?

MR. CROSS: If your Honor please, I think we ought to have a copy brought here. We do not have to have Mr. Anderson here, but I think we are entitled to see what the document is. He hasn't any personal knowledge. This is hearsay.

THE COURT: It is hearsay.

[1129] MR. MURPHY: There is no doubt about it, Judge.

THE COURT: Do you insist upon it, Mr. Cross?

MR. CROSS: I certainly want to see it in accordance with my agreement, because there have been a lot of mistakes made.

MR. MURPHY: I don't know whether Mr. Cross is talking about mistakes as a matter of his experience or of all of us, or what, but—

Q. You are not allowed to tell us now what you found out. Will you send me a photograph of that cable? A. I will send you a microfilm print of it, yes, sir.

Q. When you get back to Washington? A. Yes, sir.

Q. Because you are not allowed to tell it now. A. I understand.

Q. Just for our records, again, that typewritten sheet you did not prepare? A. No, sir, I did not.

Q. All right. Now will you please take out what has been marked as Defendant's Exhibit UU, which is the Stinebower and the English translation of the German Aide Memoire?

A. Yes?

Q. Now, we have agreed that neither of those two instruments are in the microfilm. Are they part of some other group of papers in the State Department? A. Yes, sir.

Q. They are part? A. Yes, sir.

Q. Now, will you take out the papers of which they form [1130] a part. Now I am going to ask you whether you have certain papers there, and I will be reading from the microfilm. I am now reading from Government's Exhibit Baltimore 48, which is the first and second frame of the microfilm, and it commences "January 8, 1938—A-S, Mr. Sayre."

"I am returning the German aide-memoire which you sent me on November 23 together with a memorandum by Mr. Darlington."

Do you have a paper that begins that way?

A. Yes, sir.

MR. CROSS: If your Honor please, I thought we had stipulated that the Stinebower memorandum and the translation were not in these enlargements, and he was asked whether or not they were part of some other papers, and then he is asked to look at other papers. It seems to me that we ought to know what papers he is looking at.

MR. MURPHY: Oh, indeed. I will have him identify them, your Honor.

MR. CROSS: I think we should, because it has not been identified, and I don't know what he is talking about.

MR. MURPHY: That is quite correct, your Honor. I propose to identify each as I read them.

MR. CROSS: Let us find out first, because I don't know that it has any materiality. It is admitted that the Stinebower memorandum and the translation are not [1131] a part of the microfilm enlargements.

MR. MURPHY: That is correct; and many other papers in the State Department are not part of the microfilm.

MR. CROSS: Of course, but that is what we are talking about, the Stinebower memorandum and the translation. Now, unless and until these papers are in some way identified so we can object if we want to, I don't know, if your Honor please, how else we can proceed.

THE COURT: Of course, they should be identified.

MR. CROSS: I think they ought to be identified before he starts to read something from what is in the exhibit.

THE COURT: I understand that Mr. Murphy will have them identified.

MR. MURPHY: Yes, I propose to, your Honor. As soon as I can identify it by paragraph I will have the man produce them and give them to the jury.

BY MR. MURPHY:

Q. Now, subject to that identification, Mr. Anderson, did you say you had a paper that looked like that that I just read? A. Yes, sir.

Q. May we see that, please? A. Yes (handing).

MR. MURPHY: Now, the witness hands me a group of papers the first one of which reads: "Department of State, [1132] Division"—

MR. CROSS: May I see it first, please? Is this an exhibit. These are, as I understand, originals photostatic copies of which had been marked here as Government's State 48 and certain other numbers. I think they ought to be identified. These particular papers are not marked. To make it intelligible it seems to me they ought to be identified with some exhibit.

MR. MURPHY: My purpose is to make it intelligible.

Q. Now, you have handed me a group of papers of which the first one is as I have described, "Department of State, Division of Trade Agreements," dated January

8, a small two-page memorandum, signed by Harry C. Hawkins; is that correct? A. That is correct.

Q. Now, a photostatic copy of that, or a photograph of it has already been marked in evidence as Government's State Exhibit 48, is that correct? A. Yes, sir.

Q. And that is the first one that I have read from the microfilm—

MR. CROSS: If your Honor please, that is not true. Government's State Exhibit 48 has a heading "Department of State, Trade Agreement Section," and it is signed Harry C. Hawkins, and the enlargement of the microfilm is a carbon copy.

[1133] MR. MURPHY: No doubt about it, your Honor.

MR. CROSS: Then why say they are the same?

MR. MURPHY: All right.

Q. Will you read 1 to me, please? This is the one that is marked in evidence, State 48. And I will hold it in front of the jury.

A. "Department of State, Division of Trade Agreements.

"January 8, 1938.

"A-S

Mr. Sayre:

"I am returning the German aide-memoire which you sent me on November 23 together with a memorandum by Mr. Darlington.

"The position taken in this memorandum seems to me entirely sound. There is much to be said for the view that a continued unsympathetic attitude on our part would tend to weaken further the position of the more moderate elements in the German bureaucracy. Moreover, when our concessions to be made to the United Kingdom and Canada are withheld from Germany, economic pressure on Germany will be increased and the drive towards autarchy will be given greater impetus, results diametrically opposed to what we are striving to achieve through the trade-[1134] agreements program.

"It is not the intention of course that any public steps be taken to conclude a trade agreement with Germany prior

to the elections in the fall of this year. However, the period between now and then might well be utilized in carrying on informal and confidential exploratory discussions with a view to working out answers to the difficult questions involved.

"Mr. Darlington points out that a trade agreement with Germany holds greater possibilities for an expansion of our exports, particularly of agricultural products, than an agreement with any other country, and that such an agreement would probably be an important force making for world peace. These points seem to me to be also well taken.

"If a memorandum indicating a readiness to enter exploratory discussions were given to the German Embassy it would be desirable to inform them that such discussions must be of an informal and confidential character.

"Since the subject is of such outstanding importance, I believe it would be desirable for it to be further discussed with the interested Divisions. [1134a] I believe that you will wish, therefore to send the file next to Eu, since it has not yet been seen by that Division, and then back to EA for consideration of our comment.

Harry C. Hawkins."

[1135] Q. And has both the signature and the typewritten name Harry C. Hawkins? A. Both the signature and typewritten name appears on this paper.

Q. Now I will take the next exhibit, which is No. 50, Government's Exhibit Baltimore 50, and which runs for 16 pages, and ask you whether as part of that same group of papers from which you have just read the one from Mr. Hawkins to Mr. Sayre, is another instrument commencing December 31, 1937, addressed to Mr. Hawkins?

A. I am sorry, Mr. Murphy, you must have that.

Q. I am sorry, I have it here, Mr. Anderson (handing). Immediately below the memorandum from Mr. Hawkins do you have another instrument which is dated December 31, 1937?

A. Yes, sir.

Q. Addressed to Mr. Hawkins? A. Yes, sir.

Q. And continuing say for 16 pages? A. Yes, sir.

Q. And on the last page is the name Darlington?

A. Yes, sir.

Q. TA in front of it? A. Yes, sir.

Q. Without reading it all supposing I read just the first couple of words in each paragraph and see whether it is the same.

THE COURT: Is there any shorter method?

MR. CROSS: If your Honor please, I will stipulate that this has everything that the original has in front [1136] of Mr. Anderson, except on the first page there is the file number on the original of 611.6231/999-1/2, and that it is filed August 13, 1938, which does not appear on the microfilm enlargement; and also the letterhead of "Department of State. Division of Trade Agreements" does not appear on that page of the microfilm and on the last page on the original there are the initials of Mr. Darlington and also some other initial in pencil that I can't make out, which does not appear on the last of the microfilm enlargements.

MR. MURPHY: Can't we agree that these are copies?

THE COURT: I should think so.

MR. CROSS: I had tried to bring that out, and it is certainly my contention that they are carbon copies.

THE COURT: If you both make the same contention I think I would call that an agreement.

MR. CROSS: If we are in agreement on any point let us go on the record.

THE COURT: So it is stipulated that these are copies?

MR. CROSS: I believe that the microfilm enlargements of certain of these documents are carbon copies or else a carbon of a carbon. There is one case where there is one page that has been rewritten and they are not originals. [1137] They are carbons.

THE COURT: You say certainly copies. I suppose we are interested in these particular papers.

MR. CROSS: I am speaking of these particular ones, if your Honor please. As to the Hawkins memorandum that is a carbon copy. As to this Darlington memorandum that has just been referred to that is a carbon copy, and

if there is any other Mr. Murphy wants to ask about I will be glad to stipulate what we understand the facts to be.

MR. MURPHY: So I can say you are agreed that the Báltimore document No. 48 is a carbon copy of the original Mr. Anderson has?

MR. CROSS: I believe it is.

MR. MURPHY: So we have no dispute you say the same thing with regard to Government's Exhibit Baltimore 50?

MR. CROSS: It is a copy.

MR. MURPHY: All right.

Government's Exhibit 51, entitled "Memorandum. United States Government has devoted careful study to the Aide Memoire" consisting of four pages, the last page "Department of State, Washington. T. A. Darlington"?

MR. CROSS: That is a copy in the microfilm enlargement.

MR. MURPHY: I am reading from the microfilm [1138] enlargement.

MR. CROSS: That is a copy except it does not have the initials on it that should be on the original, and I think certain pencil notations on the first page.

MR. MURPHY: You mean initials on a page other than the last?

MR. CROSS: On the last there are a number of initials, including Mr. Darlington, HH, WF, EU, AS, which do not appear on the microfilm.

MR. MURPHY: They appear only on the original?

MR. CROSS: Only on the original and on the first page there are certain shorthand characters before the name Hawkins and then "Dec. 31, 1937" and over on the lefthand corner "Not sent. File with" something and "UBS."

MR. MURPHY: In order to save time only the typewritten part is a copy.

MR. CROSS: That is as I understand it.

MR. MURPHY: And the Government's Exhibit Baltimore 52 from the microfilm in the German language entitled "Aide Memoire"?

MR. CROSS: We understand that the Aide Memoire in German is a copy, and also that it does not appear on the microfilm enlargement, what appears on the original, namely, the file number 611.6251/987.

MR. MURPHY: All right.

[1139] BY MR. MURPHY:

Q. Now, Mr. Anderson, I have asked you this: in order do they follow the order in which you have the file in your lap? A. Yes, sir.

Q. And all that you have in your lap that we have just compared were all filed together?

A. Yes, sir. They are filed together in this sense, Mr. Murphy, that they have the same basic file classification.

Q. And some variation in the last part of the number?

A. Given sub-numbers. In other words, they are all classified subjectively in the department's files as being trade negotiations or trade treaties between the United States and Germany.

Q. All right. Now will you please get for me that memorandum recounting or describing the conversation with the Czechoslovakian Minister, Mr. Hurban. A. Yes, sir (producing).

Q. Now that is Exhibit State 36. This document originated in Mr. Sayre's office, did it not?

A. Yes, sir.

Q. In other words, it is a memorandum by Mr. Sayre of a conversation that he had? A. Yes, sir.

Q. Then it went, from at least the stamps, to the Division of Trade Agreements, Department of State. Do you recall that? A. Yes, sir.

[1140] Q. And there is in pencil the words "T. Copy." Did you tell us this morning that you did or did not know what that means? A. I did not know what the initial "T" means.

Q. Is there anybody in the Trade Agreements, or was there anybody in 1938 with the name "T" or the letter "T"? A. I recall a name something like Tasca. I think he was an economic analyst in the Division at that time, although I am not too certain.

Q. Would you want to look at your register to verify that? A. Yes, sir. (After examining.) There is an individual listed here by the name of Henry J. Tasca in the Division of Trade Agreements in the October issue of the 1937 register.

Q. And you don't know whether that "T" refers to him or the "T" refers to the verb "take"?

A. No, sir. I have no idea.

Q. I notice that memorandum got back to Mr. Sayre's office on March 2nd. A. Yes, sir.

Q. And it got to your file room on March 24th, is that right? A. That is correct, sir.

Q. It would appear that nobody else had it, at least from the stamps? A. That is correct.

Q. Trade Agreements and Mr. Sayre's office? A. Yes, sir.

Q. And Mr. Sayre's office had it twice? A. Yes, sir.

[1141] Q. Do you know whether it was the practice to make copies of this when it was originally prepared by the secretary? A. Generally copies were made.

Q. And they were attached to the original as it went from division to division? A. Well, copies—a copy was usually sent to each participating officer in the conversation, other than the Foreign Mission. In this case obviously a copy would not have been sent to the Czechoslovak Minister.

Q. A copy would be sent to the Secretary?

A. And the other participating individuals, other than the Czechoslovak Minister.

Q. The only other people—there were three in the conference; one was the Minister, the Secretary, and Mr. Sayre? A. Ordinarily the copies would go only to those participating. However the practice was to include copies to divisions having an interest in the subject matter but which were not represented during the conversations.

Q. But the last one to get the original memorandum back was Mr. Sayre's office? A. Yes.

Q. And then it got to your file 22 days later? A. Yes, sir.

Q. Would you go back again to the part of that German Aide Memoire paper there and I want to call your [1142] attention to the file number. It is Government's Exhibit Baltimore 53, the one that was handed to the German Ambassador. A. Yes, sir.

Q. Will you tell me what the file number is on that?

A. 611.6231, enclosure 971A.

Q. 971A? A. Yes, sir.

Q. Has that number been changed? A. Yes, sir. It was corrected.

Q. In other words on the enlarged photograph that we have it would appear that the last part of the file number was 217A. A. Well, the entire file number, the basic classification was changed according to this record. The original here was 632.6231. That indicates trade relations agreements between Brazil and Germany. It was subsequently corrected to read 611.6231, which means United States trade relations agreements with Germany.

Q. So the enlarged photograph that we have of the document, which is Government's Exhibit 53, Baltimore 53, has the old file number on it, is that correct?

A. Yes, sir.

Q. And the corrected file number is the number you just told us about? A. Yes, sir.

Q. Now the distribution in connection with State Exhibit 11, Group 1, those are the cables or telegrams that form a part of Government's Exhibit State 11, and [1143] consist of the cables—you don't have to get the originals; I am going to give you this—consist of the cables from Tsing Tao, dated January 23rd, and one from Hangkow dated January 22, and one from Peiping dated January 27, 1938, and one from Berne dated January 28, 1938, and the one from Milan or Chiasso, undated—I want you to run through these and tell me whether it is not true that every one but one has the check-off mark of Mr. Sayre's office. In other words, one has not got it.

A. 47 from Hangkow was the only one that was not distributed to Mr. Sayre's office.

Q. The only one without a mark on it from Mr. Sayre's office? A. Yes.

Q. All the others have? A. Yes, sir.

Q. The top five on all? A. Yes, that is correct.

Q. Will you get the Exhibit 13-A, Mr. Anderson. That is the one with the little chit on it, the Jones memorandum, and the report from Mr. Boyce. I want the one actually marked 13-A. A. (Handing.)

MR. MURPHY: The witness hands me Exhibit State 13-A.

Q. State 13-A, Mr. Anderson, is the exhibit with the short memorandum on top dated February 11th, addressed to the Secretary, Mr. Welles, Mr. Sayre, Mr. Feis and Mr. Murphy? Correct? A. Yes, sir.

[1144] Q. Then attached to that is the little memorandum dated February 9, 1938, with Mr. Jones's name and some handwriting. Do you recall that? A. Yes, sir.

Q. And then attached to that is a dispatch from the American Consul at Yokohama dated January 18, 1938?

A. Yes, sir.

Q. Now, Mr. Anderson, to the best of your knowledge and belief is that the way it came out of your files?

A. Yes, sir.

Q. Just the way I have it in my hands here? A. That is correct, sir.

Q. And have you examined the little holes in it here at all? A. Yes, sir.

Q. In other words the holes that are made by a stapling machine? A. Yes, sir.

Q. And have you been able to find that the holes on the top chit correspond with the holes on the smaller chit?

A. I think so, sir.

Q. And so that as far as you know that is the way it traveled around the department? A. Yes, sir.

MR. CROSS: Just a moment. This witness has been all through this and he said that this Hornbeck memorandum went with the Jones memorandum and I grouped them together and he said to the best of his knowledge that was the way the Hornbeck memorandum went, and the Jones chit of [1145] February 9, 1938, went, only with the

short Boyce report, and he has no knowledge whatever about it and he regrouped it after our examination Friday and this morning.

Q. Did you regroup it, Mr. Anderson? A. No.

Q. Or did Mr. Cross regroup it? A. I have not regrouped any of the papers.

Q. So there will be no dispute by all of us here, the way that I have them now in my hands and the way I have described them, and I will describe them again—the short memorandum dated February 11th; another shorter one dated February 9th, and the dispatch from Yokohama dated January 18, 1938, is the way they came out of your files? A. Yes, sir, to the best of my knowledge and belief.

Q. And to the best of your knowledge and belief that is the way they traveled around the department?

MR. CROSS: That we object to.

MR. MURPHY: I submit Mr. Cross asked this witness for his opinion at length about this.

THE COURT: I think you did, Mr. Cross.

MR. CROSS: If your Honor thinks I did—I had not thought I asked that question, or quite that question.

THE COURT: It was not the precise question, but in substance I think it was.

MR. CROSS: If he wants to change it that is all [1146] right.

Q. There is no question of your changing your mind, is there, Mr. Anderson? A. No, sir.

Q. You are giving us the best knowledge you have after 28 years of experience? A. Yes, sir.

Q. And you have compared these very, very small holes, and is that one of the things that makes you feel that way?

A. That is right, yes, sir. As I stated previously under cross-examination I think it is possible that that memorandum of Mr. Hornbeck's actually refers to the other one from Mr. Jones but it wanted more details.

Q. Actual reference to it? A. Yes, sir. I think it actually does refer to it.

Q. But as far as the way it was traveling around—

A. I have no reason to believe it was arranged in any other way than the way it is now.

Q. And the way that you have it now, and the way that I have it, does that show that the first part was stamped by Mr. Sayre's office on February 16, 1938?

A. Yes, sir.

Q. And of course the little one has nobody's stamp on it? A. Correct.

Q. And the large one has Mr. Sayre's stamp on also? A. Yes, sir.

MR. MURPHY: I think you had better leave this one [1147] with us, Mr. Anderson. Thank you.

Recross Examination by Mr. Cross:

Q. Mr. Anderson, this morning you remember me showing you Defendant's Exhibit V, this Jones chit? A. Yes, sir.

Q. Do you remember me putting it here with this short Boyce report in that way (illustrating)? A. Yes, sir.

Q. And do you remember me asking you if that was not the way those two papers went through the various offices in the State Department? A. Yes, sir.

Q. And you said it was, in your opinion?

A. Yes, sir.

Q. Do you want to change that testimony? A. No, sir.

Q. You have no personal knowledge here whatsoever, have you, as to what documents were fastened together or clipped together when they went through the various offices, have you? A. No, sir.

Q. And you don't know anything about how they were grouped when they got back to the records office?

A. No, sir.

Q. And from the text that you referred to Friday afternoon and this morning the two papers that you thought went together, and no other papers, was the Jones chit of February 9, 1938, and the short Boyce report, weren't they? A. Yes, sir.

Q. And at that time that the Hornbeck memorandum of [1148] February 11th did not accompany those two papers? Wasn't that your testimony? A. I don't quite follow you on that. If I did I certainly did not intend it that way. I believe that this file as it is put together now went through the department that way, but I do believe that this memorandum of Mr. Hornbeck's does not refer to this short memorandum of Mr. Jones but another one in another file.

Q. And that was your testimony Friday afternoon and also this morning. I had marked here this morning, Mr. Anderson, as Defendant's Exhibit WW a photostat of the Hornbeck memorandum and the long Jones memorandum, didn't I? A. Yes, sir.

Q. And I asked you if that wasn't the group that should be made showing how those papers went through the various offices. A. I did not understand it that way. I agreed that this is the group that should be made because I feel this is the memorandum referred to by Mr. Hornbeck. I did not mean to imply I believed the papers went through the department that way.

Q. In order that there will be no misunderstanding: this Hornbeck memorandum refers, from its text, to the long Jones memorandum, doesn't it?

A. Well, he says, "I feel that you will wish to have knowledge of the facts and appraisals given in Mr. Jones' very informative memorandum hereunder," and this is [1149] an informative memorandum, but by the same token some of the officers in the department might say this is an informative memorandum.

Q. This memorandum of Dr. Hornbeck's refers to the Jones long memorandum, doesn't it? A. Well, I think so.

Q. And then Dr. Feis, when he got it, endorsed a notation "A very interesting report". Was that called to your attention and do you say to his Honor and jury that this Hornbeck memorandum did not circulate among the officers with this long Jones report?

A. You mean simultaneously?

Q. Yes. A. I don't think so, no, sir. I think it went

with this (indicating), while the other was being circulated probably simultaneously.

Q. This Hornbeck memorandum refers to the long Jones memorandum and nothing else, doesn't it?

A. That is your opinion.

Q. Do you think it refers to the short? A. It could refer to either one.

Q. Now when did you first see the papers that are stapled together here? A. Well, that would be pretty difficult to say; sometime early in the spring I would say, but I could not say I saw them in 1938.

Q. When do you have any memory of having seen them?

A. When we first pulled these papers out of the [1150] file for the first trial.

Q. And in direct testimony when they were offered you testified they were that way since March 21, 1938.

A. I believe I did.

Q. And this morning you, when that was called to your attention, changed your testimony and said you had no personal knowledge? A. Well, I have no personal knowledge, but pulling a file like this out of the files we must assume that is the way they were put in the files.

Q. That is the basis of your testimony here; that having pulled these out in preparation of the case in this form you assume that is the way they circulated?

A. Yes, sir.

Q. And that is the sole basis of your testimony that you think they went together? A. Yes, sir.

Q. As a matter of fact you did not know that they had been taken over to the FBI, did you? A. No, sir, I did not.

Q. And brought back before you ever saw them?

A. That is correct, sir.

Q. Or how they had been originally stapled together? A. Well, they never disarranged any files heretofore and I have to reason this way.

Q. You have not any knowledge of the condition of the file before you saw them after they got back?

A. No, I do not have. I saw them before they were [1150a] sent over to the FBI. I saw all of them.

Q. And that was in the spring or this summer? A. Yes.

Q. And you said, of course, the way they were stapled together in the file room did not necessarily mean that is the way they circulated among the different offices?

A. No, I did not say that. I said I thought they would.

[1151] Q. Well, I thought you testified that they were generally clipped together as they circulated; then when they got to the file room the clerk would staple them as they thought they should be? A. If they were unrelated files, yes. We constantly received back in the file rooms the collection of documents on different file numbers. We must necessarily separate them according to their classification; but a dispatch of this type with a single sole file tab and memorandum attached, that is a different proposition. It would be filed by the sole file classification.

Q. And the file number is on the Jones memoranda, isn't it? A. On this one, no, sir.

Q. It is on the Yokohama report? A. It is on the dispatch.

Q. Now, Mr. Murphy asked you a number of questions about Exhibit 70, and I think No. 3, whether or not they went to Trade Agreements. Copies of those particular documents went to Far Eastern, didn't they? A. You will have to identify it, Mr. Cross. I can't remember these documents.

Q. Well, I will leave it to the record. But he asked you about certain ones, and I made a note of telegram No. 70, and also the underlying document for Exhibit 3, and asked you if they went to Trade Agreements? A. Yes.

[1152] Q. You have already testified to the distribution, so we won't go into that. A. Yes.

Q. Now, Mr. Murphy also asked you if you had ever heard of anyone taking any papers? A. That is correct, sir.

Q. You never heard of Wadleigh taking the papers,

did you, until fairly recently? A. Yes, sir, very recently. That is the first I heard of it.

Q. You never heard of the Amerasia case in the Far Eastern Division? A. Oh yes, I did.

Q. Well, there a great many documents disappeared, didn't they? A. Well, my recollection is not too good on that, just whether any State papers were involved or not.

Q. Well, that was in the Far Eastern Division, wasn't it?

A. I don't recall, sir.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. When did you hear that Mr. Wadleigh took any, Mr. Anderson? A. I heard or read it in the newspapers.

Q. In the last trial? A. Yes.

Q. When you testified for the Government in the last trial, is that when you heard of it? A. Yes, that is the first I heard of it.

Q. And you have no idea what the Amerasia case is?

A. I know roughly what it is.

Q. What year was involved? A. I think it was around [1153] 1939 or something like that. I don't remember.

Q. Wasn't it during the war? A. I had very little to do with it, actually.

Q. It was in 1945, wasn't it? A. Yes, I believe it was.

Q. And you know nothing about it? A. Very little.

MR. MURPHY: All right, thank you very much.

MR. CROSS: Do I understand that the originals of those 13-A will be left here so the jury may see it for themselves? I think they should be left.

MR. MURPHY: Yes, I asked the witness to leave it here, yes.

(Witness excused.)

[1154] WILLIAM ROSEN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

MR. CROSS: If your Honor please, I object to this witness testifying because, as has been stated in chambers, the witness has appeared before the grand jury, claimed his privilege, and was upheld on appeal; and he has stated that he expects to claim his privilege with reference to anything to do with the car, with communistic activities; that he has had nothing to do with Mr. Hiss, and does not know Mr. Hiss. Therefore, we think that his presence on the witness stand, the Government knowing that he is going to claim his privilege, is prejudicial; and I arise at this time so we lose no rights on that point.

THE COURT: I will rule on questions.

Direct Examination by Mr. Murphy:

Q. Mr. Rosen, will you tell the jury where you live?

A. 2114 Third Avenue, Los Angeles, California.

Q. I think if you try to address me the jurors back here will be able to hear you better. A. Yes.

Q. Mr. Rosen, have I ever talked to you about this case?

A. No, sir.

Q. No, sir? A. No, sir.

Q. Mr. Rosen, in 1936, about July of that year, were you in any way, directly or indirectly, connected with the [1155] Communist Party? A. I respectfully decline to answer this question for two reasons: First, for the Fifth Amendment—

THE COURT: A little louder, please. We can't hear you.

A. (Continuing) I respectfully decline to answer this question on the ground that the Fifth Amendment, that I will incriminate myself; and also on the ground that the First Amendment, for free association. I don't have to indulge and tell what my associations is.

MR. MURPHY: I don't know whether the jury heard this.

Will you please read it, Mr. Reporter.

(Answer read.)

Q. Mr. Rosen, the name William Rosen appears on a paper on file in the District of Columbia with the Director of Vehicles and Traffic relating to a Ford automobile, and I ask you whether you are the William Rosen who is said on that certificate to have received an assignment of a Ford automobile from the Cherner Motor Company on the 23rd of July 1936? A. I respectfully decline to answer this question on the ground that any answer I may give may tend to incriminate me.

Q. Mr. Rosen, were you living at that time, July 1936, at an address in Washington No. 5405 13th Street, Northwest?

A. I respectfully decline to answer this question [1156] on the ground that any answer I may give may tend to incriminate me.

Q. Mr. Rosen, did you ever own a Ford automobile known as a 1929 roadster? A. I respectfully decline to answer this question on the ground that any answer I may give may incriminate me.

Q. Did you ever receive the automobile that I have described from the Cherner Motor Company? A. I respectfully decline to answer this question on the ground that any answer I might give may tend to incriminate me.

Q. Do you know whether a man by the name of Henry J. Girtler applied for a certificate of title for such automobile in your name? A. I respectfully decline to answer this question on the same grounds, for self-incrimination.

Q. I understand, Mr. Rosen, that this is—is this your signature here, a William Rosen? Can you see it?

A. I respectfully decline to answer this question on the same ground of self-incrimination.

Q. Do you know or did you know at that time in 1936 a man known as J. Peters? A. No, sir.

Q. You did not? A. No, sir.

Q. Did you know at that time, July 1936, a man known as Stevens? A. No, sir.

Q. Did you in July of 1936 know the defendant, Alger Hiss?

A. No, sir, I did not.

[1157] MR. MURPHY: You may examine.

THE COURT: The claimed privilege against self-incrimination on the part of the witness is sustained.

MR. CROSS: Beg your pardon?

THE COURT: His claimed privilege against self-incrimination is sustained.

Cross Examination by Mr. Cross:

Q. Mr. Rosen, you have never seen me before, have you?

A. I did see you October 10 in the Federal Building.

Q. Beg your pardon? A. October 10, 1949 I saw you in the Federal Building.

Q. You didn't speak to me? A. I did not.

Q. You have never spoken to me or any of my associates?

A. I didn't speak to anybody.

Q. And you have counsel, I guess, and have had counsel for some time? A. I have a counsel, yes, for some time.

Q. And your counsel is Mr. Emanuel R. Bloch? A. Mr. Bloch. He is right here in the courtroom.

Q. I am going to ask Mr. Hiss to stand up, and I will ask you whether you ever saw Mr. Hiss before to your knowledge?

(Defendant Hiss rises.)

A. The first time I saw Mr. Hiss was October 10, 1949, in the court. I happened to be there to report for duty.

Q. Have you ever spoken to Mr. Hiss in your life?

[1158] A. I did not. I have never seen him before.

Q. Or did you ever have any negotiations or any dealings whatsoever in any shape or form with Mr. Hiss?

A. No, sir, I did not.

Q. Mr. Murphy asked you if you had talked with him. Have you talked with the FBI about this matter? A.

Well, I don't know exactly what you mean by I spoke with them. They came around to see me and made some kind of statements and I refused to speak to them.

Q. And you have been in the East since October 10, 1949?

A. I have been East since September 30, 1949, up to November 2, 1949, when I went back to California, and I came back November—I don't remember exactly the exact date—I think November 28th.

Q. And during that time you were here were you being paid by the Government? A. Yes, sir.

Q. How much? A. $9 a day when I am here.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. Do you know whether that is because the statute says you must be paid that? A. That is right.

MR. MURPHY: Thank you. That is all.

THE COURT: I want to state to the jury now that you are to draw no inference unfavorable to this defendant because of the fact that this witness Rosen has claimed immunity.

(Witness excused.)

[1159] EUNICE A. LINCOLN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Miss Lincoln, you are employed, are you not, in the State Department? A. I am.

Q. In what capacity are you now employed? A. I am a member of the Coordination Review Staff of the Executive Secretariat.

Q. And how long have you been with the State Department?

A. I came in the Department on July 16, 1918.

Q. And prior to being secretary to Mr. Sayre what were some of your positions? A. I had been in the Latin-

American Division and later holding the same position with one of the assistant secretaries that I held with Mr. Sayre.

Q. In other words, you were secretary to one of the Assistant Secretaries who preceded Mr. Sayre, is that correct?

A. That is right.

Q. And for how long a period were you secretary to Mr. Sayre? A. From 1933 until 1939 when he went out of the Department.

Q. Then Mr. Sayre went some place else, didn't he?

A. Yes, he went to the Philippines as High Commissioner.

Q. Would you tell us, please, Miss Lincoln, what the physical layout was of Mr. Sayre's offices; that is, what [1160] the rooms were in relation to one another and who all worked in that section? A. You entered the reception room and to the right of the reception room was Mr. Hiss's office; to the left of the reception room was Mr. Sayre's office; and immediately back and part of the reception room but separated by an iron grill was the office which was occupied by Miss Newcomb and myself.

Q. Miss Newcomb was the other young lady there?

A. She was.

Q. And was anybody outside in the office; in other words, did you have a clerk or somebody? A. We had a messenger who sat immediately outside of our office and who usually opened the door and took coats and hats of visitors.

Q. In other words, as you entered that suite the first room you would see would be the room occupied by yourself and Miss Newcomb? A. That is right.

Q. And that room was divided by some sort of an iron grill? A. Yes, it was.

Q. And both you and Miss Newcomb sat behind that?

A. That is right.

Q. And then on either side of that reception room were the offices of both Mr. Sayre and Mr. Hiss, is that correct?

A. That is right.

Q. And outside sat a clerk or messenger? A. Yes.

Q. Do you remember his name? A. Robert Greenfield.

[1161] Q. And did that comprise the total number of people in that section? Do you call it a section, by the way?

A. Well, it was an office, the Assistant Secretary's office.

Q. And how many Assistant Secretaries were there at that time? And I am talking now about 1937 and 1938.

A. Oh, we have had so many changes, I would say there were four, I believe, maybe five. I can't tell you exactly unless I looked it up.

Q. Well, we have some names here: Mr. Wells, he was the Under-Secretary? A. Yes.

Q. And then after him came Mr. Messersmith? A. Messersmith.

Q. And Mr. Sayre? A. Yes, Mr. Sayre.

Q. And I think Mr. Wilson? A. Yes.

Q. Now what, generally speaking, were Miss Newcomb's duties? A. She was a stenographer in the office. She took the dictation. She helped with the filing, and when I was absent she did my work.

Q. As far as rank was concerned, were you her superior or she yours, or was there any question? A. Well, there wasn't much question about rank. If there were I daresay I would be the senior.

Q. And you say it was her job primarily to take the stenographic work in that office? A. It was.

[1162] Q. And what, generally, were your duties? A. I received and sent out and handled the mail of the office, both receiving and sending it out, distributing it in the office; I received the callers, found out whom they wanted to see, and I either had them wait until they could be seen or took care of them as best I could myself; answered the telephone; made appointments; did some filing, general office work.

Q. Well, let us take up the filing. Where was the filing done? Did you have your own file cabinets? A. Yes, we kept a small file in our own office which was

located back of the iron grill fence where Miss Newcomb and I sat.

Q. And what, generally, would you file? A. We kept a file of the Trade Agreement telegrams and a copy of anything that we had drafted in our own office. Occasionally a carbon copy of a memorandum that might have been written elsewhere, but we tried to keep nothing except what originated in our office, except the telegrams. We tried never to keep original documents. Those were sent back to the Records for filing so they would be readily available for anyone who wanted to use them.

Q. What were the office hours generally? A. The Government hours were from 9 to 4:30. Our office didn't always close at 4:30. When Mr. Sayre was there we went on till around 7 o'clock, occasionally a little earlier.

[1163] Q. When he wasn't there, what happened? A. Well, we closed promptly then because it was our one opportunity to get out and get some things done, usually around 4:30 or just as soon thereafter as we could get away.

Q. And was Mr. Sayre there frequently or infrequently, or average? A. Was he in the office?

Q. Yes. A. Yes. He was away part of the time on speaking engagements.

Q. Was it your practice on the receipt of incoming matter—how would you handle it, supposing I put it that way? A. Well, when it was received in the office—

Q. Tell us first how it would be received. Who would bring it? Would the mailman bring it? A. A messenger would bring it, yes, usually from the central filing system. Some things were brought in by special messenger from other offices; but when it was received I would place the office stamp on it. If it bore our routing we had to place the office stamp on, if it bore our routing. It was optional otherwise. I would read it and see that both Mr. Hiss and Mr. Sayre saw it.

Q. I forgot to ask you, Miss Lincoln, did you have an opportunity to read your testimony from the first trial?

A. I did not read it.

Q. Now, you said it was the practice to put your office stamp on the incoming matter if it had a routing symbol on; [1164] is that what you said? A. That is right; or if it were a memorandum addressed to our office, I would always place the office stamp on it then.

Q. And if the paper did not have such routing slip on you would put it on anyway, would you? A. No, I never checked the routing on—

Q. No, supposing some paper came in and it didn't have any routing symbols on it at all, would you put your office stamp on? A. Sometimes I would. If there were a memorandum on it addressed to Mr. Sayre, then I would put the office stamp on the memorandum but not necessarily on the document to which it was attached because both documents would go to the file, and it would show by the memorandum that the other document was in the office.

Q. Have you had occasion as secretary there to call for papers or files from the file room? A. I have.

Q. And some messenger would bring it up, would they?

A. Yes, or I would go for it myself.

Q. And would there be some receipt left there to charge you with it if you took it? A. Yes; and if a messenger brought it it was charged to our office.

Q. And when it was returned do you know what happened to that charge slip? A. That charge slip was supposed to be cancelled.

THE COURT: Mr. Murphy, perhaps the jury would [1165] like to get some fresh air in the room.

(Short recess.)

BY MR. MURPHY:

Q. Miss Lincoln, will you tell us, please, what your practice was during the years 1937, 1938 concerning the receipt and distribution of these telegrams and cables that came in? I think perhaps I should have asked you what primarily was Mr. Sayre interested in at that time? A. Mainly trade agreements, economic work, trade agreements, Philippine work.

Q. And when these information telegrams came in,

one, how would you receive them? Would a messenger bring them?

A. A messenger would bring them in sealed envelopes. I would open them, place our office stamp on each copy, read them and segregate them into three categories: one, the Economic or Trade Agreements work; second category would be telegrams which were brought in for his information; the third category were telegrams which he would not be the slightest bit interested in. I would take the two categories and clip them on a cardboard backing, and then give them to either Mr. Sayre or Mr. Hiss, generally Mr. Hiss first; but if he were busy I would give them to Mr. Sayre. In either case I saw that both men saw the telegrams. They would then be returned to me, and I would file the Economic ones; and those that came in just for his information I [1166] would place in a particular file drawer to be disposed of a little bit later, about once a week. The overflow of that type of thing was picked up by an approved messenger and returned to be destroyed.

Q. Now, you say as these messages came in you would divide them into three different categories? A. That is right.

Q. And that meant, I take it, that you were pretty familiar with the workings of the office there? A. I tried to be.

Q. Say in one category, or category one, you would put the matters that related to trade agreements and economic matters generally? A. Yes, anything that Mr. Sayre was responsible for the answers.

Q. Well, would that include what we have come to know here as the action copy of telegrams, and so forth? A. No, those were the advance copies or white copies, as we call them, or pink if it were outgoing. The originals would be brought to us if they were classified in a locked box. I had a key to that, and there was a key in the telegraph room or in the index bureau, and that box would be brought to my desk and I would open it, stamp the original, and give them to the man who was interested; or, if he had seen a copy of it, I would mark off our routing and return it in the same manner.

[1167] Q. In other words, back in 1937 and 1938 they were that careful with the originals? A. Yes.

Q. You are now talking, so we can find out whether we are all thinking about the same thing, of the yellow action copy? A. The yellow action copy if it were classified would come down in a locked box. If it were not classified it would be brought to us by messenger in regular routing.

Q. What do you mean by classified? A. Having a stamped classification, confidential or strictly confidential, and so on.

Q. Do those phrases have definite meanings in the State Department, or did they then? A. They do.

Q. Do you recall what they were, what the different grades were? A. Well, there is confidential, strictly confidential, and, I believe, secret.

Q. And the information copy which was the white mimeographed copy, that would have the same wording as the action copy? A. Yes.

Q. Would you treat that the same way? A. The same way, yes, because of preservation of our codes.

Q. Because of what? A. Preservation of our codes as well as the content of the message.

Q. Would that be received also in a sealed envelope or would that come in a box? A. No, the white copies came in sealed envelopes.

[1168] Q. And would they always be delivered to you at your desk? A. They were delivered to my desk.

Q. Now, what I wanted to get clear now was this category one that you set up for delivery to Mr. Sayre because you say he had to answer it; is that what you say?

A. He was responsible for the answer. Any answer going out on it would pass over his desk for approval or signature.

Q. And in the second group or second category you would put telegrams and messages that he was not responsible for, is that right? A. That is right.

Q. But which he might have some interest in, is that right? A. Yes, he would have interest because as As-

sistant Secretary he might sometime have to act as Secretary in the absence of his superior officers.

Q. That was generally the theory under which the information copies were sent around, was it, that they had to be familiar with the State Department business?

A. You had to be familiar with the State Department business.

Q. Now, in this second category you would put these telegrams and messages that he had no primary responsibility for, is that correct? A. Yes.

Q. And the third category, what would be put there?

A. Oh, messages pertaining to personnel or the [1169] maintenance of the missions abroad or please reply, a communication of that type, if we had not gotten a reply to something, we would telegraph back and say, "Please reply," or something of that kind. Something he would not have the slightest interest in. He was not interested in personnel, it was not his line of work; transfer of one man from one post to another, things of that kind.

Q. After you had segregated it in these categories—how often would you do that each day? A. Depending how often the telegrams came in and also the flow of work. Sometimes a lot of telegrams would come in, and you had more of them coming to your desk. Some days there not be as many, not as many came to your desk, but you stopped everything that you were doing when they came—or at least I did—and would stamp them and get them to the officers for reading.

Q. Now, would you take the category one and put them on Mr. Sayre's desk? A. Not necessarily. If Mr. Hiss were there and available, why, I would give them to him to read first and then to Mr. Sayre.

Q. And category two? A. The same way.

Q. And category three? A. They didn't see those. They were discards. Neither of them were interested in that because it wasn't anything of interest to our office.

Q. So then for our purposes, confining ourselves to categories one and two, you would show that to both men?

[1170] A. That is right.

Q. And who would handle Mr. Hiss's stenographic work?

A. Miss Newcomb, generally. We had one stenographer for both of them.

Q. You had one stenographer for both? A. One stenographer for both. Mr. Hiss didn't have very much dictation.

Q. I am sorry? A. Mr. Hiss didn't have very much dictation.

Q. Now, how about visitors? Would they be able to come in this door and go into either Mr. Sayre's or Mr. Hiss's room without at least talking to you or Miss Newcomb? A. I made it a practice not to let anyone go in either office without seeing them and asking them what they wanted. Frequently I could take care of that myself. If they wanted to see one or the other of the men I would announce them most generally.

Q. How about other men from the Department, would the same practice be followed? A. Yes. I would find out which one they wanted to see. They never just walked in, for instance, on Mr. Sayre. And I always saw which man they wanted to see. They would usually come in and look in and say, "I want to see Mr. Hiss", or they would say, "Is Mr. Sayre free", and I would say yes or no.

Q. And at night time what was the practice? What would you do? Would you close the office? A. Yes, after Mr. [1171] Sayre left I would go to his desk and take off any signed mail and send that for dating and posting that night, and take off anything that should be locked up.

I submit Hiss's desk I did the same thing. I usually knew about what was on either man's desk, because there were only two, and it was easy enough to take care of.

Q. What would you do with the papers? Where would you lock them up? A. In a file cabinet in our office, the file cabinet I spoke of previously.

Q. Did Mr. Hiss have his own file cabinet? A. There were file cabinets in his room, having been left there by a predecessor, but the files of the Department were kept in our office.

Q. In other words, the cabinets that were in Mr. Hiss's room did not contain the office files? A. Did not contain the office files. We did use, I think, one of those to keep extra copies of Mr. Sayre's speeches in. He had occasion to send them out occasionally with letters, and we tried to keep 25 or 50 copies, so we had to have some place to store them, and we kept the speeches and drafts of his speeches and things of that kind, but that wasn't Department of State files in the sense that they were records of the Department. These were published documents.

Q. Was it the practice in your office and in others to make carbon copies of memoranda? A. Yes.

[1172] Q. And what would you do with the carbons?

A. We always had one or two carbons with the original. We kept one carbon that originated in our office in our office for ready reference.

Q. In other words, right beneath the original would be one or two carbons of that very papers?

A. That is right.

Q. And was that the practice of the other divisions in sending memoranda to you? A. That is right.

Q. I suppose it got to be more than one or two copies, did it? A. Sometimes, yes. If it were a memorandum and going to a number of places you would be guided a little bit by how many carbons you made—usually two or three.

Q. Now did you ever see either Mr. Sayre or Mr. Hiss leave the office at night with a briefcase?

A. Yes.

Q. Was that a common practice? A. Yes.

Q. And I take it you did not know what was in the briefcase? A. No, I did not. I was not in the room.

Q. And how about the doors: the door to Mr. Hiss's office, for instance, was there only one exit?

A. One, yes. That door was kept open except at night when he left it was locked.

Q. In other words it was his practice during the [1173] day to keep his door open? A. It was.

Q. With that practice could not people go in without

being announced or stopped by you? A. Well, if anyone came in the reception room I got up from my desk and met them.

Q. And try to announce them? A. Announce them. At least if I did not know who they were I tried to find out who they were and who they wanted to see. I just did not let people wander around.

Q. Can we say as long as you were there people did not walk into an office unannounced? A. Yes. When I say "unannounced" if it were a person in the Department, a chief of the division, and they told me who they wanted to see and I knew that person was in his office, if it were Mr. Hiss, I would let them go in. If it was Mr. Sayre I would go in and tell him who was waiting to see him.

Q. Suppose it was a person in the Department but not a chief of the division? A. If I knew him and he told me he wanted to see Mr. Hiss and I knew Mr. Hiss was there I nodded my head to go in, but I would not get up and say to Mr. Hiss who it was.

Q. As long as you knew Mr. Hiss was there in the room and you knew the person, from your department knowledge, you permitted that person to go into the room?

A. That is right.

[1174] Q. I suppose such a person could almost see Mr. Hiss's desk as he or she came into the room? A. You could. He sat in a diagonal corner of the room and he could look in and see who was coming in or out at all times.

Q. How about the doors from Mr. Sayre's office, did he have more than one? A. Yes, he had one entrance from our reception room and one door that went into the diplomatic reception room.

Q. What was your practice with regard to both doors?

A. Mr. Sayre usually used the door into our reception room.

Q. Would you keep the other open? A. No. That door was closed at all times. It was locked when Mr. Sayre was not there.

Q. Who would lock it? A. Either Robert, the messenger, or myself. It was locked every night.

Q. And during the day if he was not there you or the messenger would lock it? A. That is right. I did not want anyone coming through that door. Anyone would not come through that door because they did not know where they were going. They were getting into the diplomatic reception room anyway, but the messenger was there and he sat in a corner and one door went into the reception room and the other into the diplomatic reception room.

Q. Where in relation to the suite you occupied was [1175] the Trade Agreements Section in 1937 and 1938?

A. We were on the second floor in the corner of the building and the Trade Agreements Section was on the first floor down the corridor. I think their reception was 136. Our suite the offices were 215 and 215½ and 216. Our numbers ran odd numbers on one side of the corridor and even numbers on the other, so you can tell about how far down it was, but it was on another floor.

Q. Did you know Mr. Wadleigh when you were there?

A. I knew him when I saw him, yes.

Q. Would you say he came to your suite frequently or infrequently? A. Infrequently.

Q. What would be your best estimate of the number of times he came, say in the first few months in 1938?

A. I could not tell you exactly, but he was so seldom in our office, and he usually came—the only time I remember him being in our office was when he came up to a meeting in Mr. Sayre's office.

Q. He came with other men? A. Yes. I do not recall him coming alone, although my memory may be faulty on that.

Q. Did you know what position he had in the Department at that time? A. I believe he was an analyst, I don't know the exact title, economic analyst or something like that.

[1176] Q. Specifically did you ever let him in to Mr. Hiss's room when he was not there? A. No.

Q. Or Mr. Sayre's room? A. No.

Q. Miss Lincoln, I show you these pieces of paper. They are marked Government's Exhibits Baltimore 1, 2, 3 and 4, and ask you whether the handwriting on those

exhibits is familiar? A. They look like Mr. Hiss's handwriting.

Q. Have you seen Mr. Hiss's handwriting before?

A. Yes, sir.

Q. And you have seen him write? A. I have.

Q. And it is your opinion that those are in his handwriting? A. They look like it. These two pieces of paper look as if they had the top part of them torn off.

Q. Do you recognize that paper at all?

A. Yes. We had memorandum paper this size, except a little bit larger, with the legend printed on the top "Department of State" and immediately under it in smaller type "Assistant Secretary" and with that on it it would have been a page about that long (illustrating).

Q. Indicating about another inch and a half or two?

A. I would say so, yes.

Q. You are referring now to exhibits No. 2 and No. 4. As a matter of fact it was at the last trial where you called this to my attention. A. I did call that to your [1177] attention, yes.

Q. In other words, you called to the attention of me and the jury the fact that the top seemed to have been torn off? A. That is right. We held it up to the jury to identify as the document you were placing in the record when I noticed it was torn.

Q. Do you know whether or not either one of these, or any that you have in your hand, have a Government watermark on? A. The memorandum pads we had like this did not bear a watermark. These two (indicating) might have, but I am not sure that they do because our paper changed every now and then and it did not always bear a watermark. These were not printed. I mean they did not have a legend at the top.

Q. In other words, you had at least two types of memorandum pads? A. We had more than that. We had this type without a legend (indicating).

Q. Now you are indicating Government's Exhibit 1 and 3 and they were ordinary memorandum pads without a legend on top? A. Without a legend on the top.

Q. And the two that I have in my hand, Nos. 2 and 4, were the ones with the legend "Department of State. Office of the Assistant Secretary"? A. Just the words "Assistant Secretary", and then we had a larger pad than that, and then a still larger one which was lettersize. What is it? [1178] 10 x 12? With the legend on. Three types of legends, and one in the smaller memorandum.

Q. Can you tell from reading the contents of those exhibits whether, assuming that that was information contained in the telegram, whether they would fit into the category 1, 2 or 3 as you made up those categories?

A. I would put this in category 2.

Q. That means that they would be matters that Mr. Sayre would not be primarily interested in? Is that the phrase you used? A. Yes. He would not be responsible for any replies to those.

Q. Did you see many memoranda such as those written by Mr. Hiss during the years 1937 and 1938 when you were there? A. I did not.

Q. Did you see any? A. Not like that, that I recall.

Q. What is the difference between those that you recall and these? A. I might have seen a memorandum where he made some suggestion on a file of correspondence. He might have made a suggestion to Mr. Sayre. That would not necessarily be a suggestion in my estimation. That is more of a summary.

Q. Would Mr. Sayre have been interested in the slightest in a passport case, do you know?

MR. CROSS: Just a moment. How can she tell what Mr. Sayre was interested in. I object.

THE COURT: I think, Mr. Murphy, you should [1179] reframe your question.

MR. MURPHY: I think so. I will reframe it.

Q. If you received a cable relating to a possible passport fraud would you put that in category 1, 2 or 3?

A. 2.

Q. Would you see any memoranda on the desks at night after Mr. Sayre or Mr. Hiss left and you were closing up at all similar in any wise to any of those four?

A. I do not recall that I did.

Q. Do you recall seeing anything similar to those in all of the years that you have been in the State Department? A. No, I have not.

Q. Do you know whether or not there would be some memoranda attached to some correspondence or file, as you say, suggesting certain things to Mr. Sayre? Would they, in turn, be part of the file?

A. They would be part of the file. We never destroyed that type of thing because they bore on the file.

Q. Even though it was handwritten? A. Yes. Usually they were typed because they would be more legible.

Q. But if it was handwritten and it related to a file it would follow the file right through to the record room? A. It would follow that file, that is right.

Q. But you said that certain papers would be clipped by you to a cardboard. What did you mean by that, Miss [1180] Lincoln? A. The telegrams, so that they would be more easily handled. When I segregated them I just gave them a stiff back and I felt they were more easily handled, so I would take a piece of cardboard and clip the telegrams on them.

Q. Would you staple them together or use one of these little paper clips? A. No, just a paper clip, the size depending on how many telegrams I had in the file at the time.

Q. I notice that these four exhibits that you were looking at were creased as distinguished from crumpled.

A. Yes.

Q. I do not suppose you have any idea how they became creased? A. I would not, because we tried to keep our papers in the department flat so that they will file, and a paper that is creased eventually wears through and becomes illegible.

Q. Do you remember at all the original telegrams that these four exhibits relate to? In other words, I show you Exhibit State 1, which Mr. Anderson produced for us, and ask you whether you can remember that telegram dated

in 1938? A. Yes. That came into our office, a copy of it, I believe.

Q. Is there anything about the message or the telegram that recalls it to your mind? A. Yes, the contents.

[1181] Q. You remember the contents? A. Yes.

Q. Attached to that is merely a copy of the exhibit I showed you, Baltimore Exhibit 1. But you do have a recollection of the telegram itself?

A. We would have gotten the white copy of this.

Q. A white copy? In other words an information copy?

A. Yes.

Q. And you would have put that into category 2?

A. Category 2.

Q. Miss Lincoln, some of the exhibits that we have seen here that have your office stamp on them have the initials "AH" sometimes and the initial "S". Do you remember what the practice was of the men, Mr. Sayre or Mr. Hiss, with regard to putting the initials and the stamp on?

A. I tried to get both men to initial all documents that they read. They did not always. Mr. Hiss would initial part of his. He did not always initial them. Mr. Sayre only initialed occasionally, and when Mr. Hiss initialed he used the initials "AH". When Mr. Sayre did, he used the initials "FS"—no "FBS", Francis B. Sayre, he would initial, and I had to do something to kind of protect myself to be sure that Mr. Sayre had seen the document, so I used a blue pencil and would sometimes put an "S" or a circle, and it kind of bogged [1182] down between an S and a circle and that was with blue pencil.

Q. Do you know whether it was the practice of Mr. Hiss or Mr. Sayre to put their initials on after they had completely read the document or just as they started to pick it up or what the practice was?

A. I don't know what the practice was. Some people initialed before they read and some after they read and I don't know which they did.

Q. Just for the sake of clarification I will show you a stamp here which is attached to State No. 15, showing

the Assistant Secretary of State's stamp and ask you whether that little "S" there is possibly yours? A. That is mine.

Q. And that is what you mean when you described the little handwriting that you did? A. That is right. It was done with blue pencil always too.

Q. It was always done in blue pencil? A. I used blue pencil.

THE COURT: Mr. Murphy, it is now 25 minutes of 5 and I doubt whether we will finish tonight.

MR. MURPHY: No indeed, I think not.

THE COURT: I suppose you wanted to get back?

THE WITNESS: That is all right with me. I am here at your convenience.

THE COURT: We will adjourn until tomorrow morning at half-past ten.

(Adjourned to December 6, 1949, at 10:30 a. m.)

[1183] New York, December 6, 1949; 10:30 o'clock a. m.
Trial resumed.

EUNICE A. LINCOLN, resumed the stand.

Direct Examination continued by Mr. Murphy:

Q. Miss Lincoln, I did not ask you yesterday, what was the practice both in Mr. Sayre's office and the other offices there where copies of memoranda were made, particularly the second sheet; did the second and third sheets, and so forth, have the legend "Department of State" on them? A. The copies were made on plain thin paper. The original was made on heavier paper. The first page had the legend; the other papers did not.

Q. In other words, whatever pages the carbon copy was alongside of, or the carbon paper, those were blank white pieces of paper? A. Those were blank white pieces of paper at all times, even the first page.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Miss Lincoln, is this a floor plan of a part of the second floor where Mr. Sayre's, yours, Miss Newcomb's, and Mr. Hiss's offices were located? A. Yes, it is.

[1184] Q. The numbers there that are not in parentheses, those are the numbers of the respective rooms, are they not? A. Yes, they are.

Q. And the numbers that have parentheses around them represent the square footage, if you know? A. I don't know.

Q. But, at any rate, that chart correctly represents the suite where Mr. Sayre, you, Miss Newcomb and Mr. Hiss were located in 1937 and 1938? A. Yes. There was an iron grille right back here which, of course, it does not list.

Q. I will have you indicate that later to his Honor and the jury, but at least that is the floor plan, and it also represents, does it not, Miss Lincoln, the Secretary's office? A. Yes, it does.

MR. CROSS: I offer as Defendant's Exhibit ZZ the floor plan of Mr. Sayre's, Miss Lincoln's, Miss Newcomb's, and Mr. Hiss's office, with other offices.

MR. MURPHY: No objection.

(Marked Defendant's Exhibit ZZ.)

Q. Now, before I show this to his Honor and the ladies and gentlemen of the jury, the room where you were located and Miss Newcomb was in 216½? A. Yes.

Q. Now, as you entered the door from the corridor there was a reception room, was there? A. Yes.

Q. And the part of the room before you get to the [1185] doors, one leading to the right into Room 215 and the other leading to the left into 216 was the reception room?

A. Yes, it was.

Q. And then there was an iron grille that you spoke of. Would you indicate approximately where that was on 216½, Miss Lincoln? A. Yes, it was about where these pillars are here.

Q. Those two little black marks on 215 are pillars in the room? A. Yes.

Q. And at about that location there was the iron grille? A. That is right.

Q. And then Mr. Hiss's office was in 215, was it not? A. Yes, it was.

Q. And there was the door opening into Room 215, Mr. Hiss's office, before you get to the iron grille?

A. Yes.

Q. And then to the left, and before you get to the iron grille is the door opening into 216; that was Mr. Sayre's office? A. Yes.

Q. Then leading out of 216 and not going through either the reception room or 216½ is a door leading from Mr. Sayre's room? A. Yes.

Q. And that leads into a room numbered 212 and 214, does it not? A. Yes.

Q. Now, the room while having two separate numbers [1186] was not partitioned off, was it; it was all one big room? A. I believe at that time it was. Later on it was partitioned.

Q. And then as you come down to 210 you pass through a door, then through another door into Room 208. Was that the Secretary's office?

A. That was the Secretary's suite, yes.

Q. And then the other Assistant Secretaries were located, some of them, on the same floor over to the left?

A. That is right.

MR. CROSS: Before I show it to the jury, would your Honor care to see it?

THE COURT: No.

MR. CROSS: Ladies and gentlemen of the jury, this is the chart which has been magnified somewhat from the original showing the layout that I have just inquired about.

[1187] Q. On this exhibit that has just been marked where did the messenger sit when he was not doing errands?

A. He sat in the corner as we went into 216 and 216½, and on the other side of the door that went into 214.

Q. He had a desk out there? A. He had a table there and a chair; just fitted in that little corner.

Q. And he would be seated there when he was not running errands? A. Yes, sir.

Q. And his duties were to run whatever errands either you or Miss Newcomb or Mr. Sayre or Mr. Hiss wanted?

A. Yes.

Q. And at times he also ran errands or did errands without the Department? By that I mean he would do errands for Mr. Sayre or Mr. Hiss? A. Errands for what?

Q. Well, if he wanted any delivery of cards, invitations or anything like that, he would go out of the building— A. Yes, he would go out of the building.

Q. —on any personal errands they might want him to do?

A. Yes.

Q. Now this Room 212-214 was a room used for what?

A. It was the diplomatic reception room where the diplomatic officers could wait, and they held press conferences there and signed documents there.

Q. That is if either the Secretary or any of the [1188] Assistant Secretaries were holding a press conference, the press would meet in Room 212-214? A. Yes, they would. The Secretary's press conference was usually held there.

Q. And there were times when you spoke of Mr. Sayre leaving through this door that led into 212 and 214?

A. That is right.

Q. If he were summoned to the Secretary's office that would be the way he would generally go? A. Yes, and Robert would let me know when he went through that door so I could listen to his telephone and open his door while he was gone.

Q. Do you know what the furniture was in Room 215, the room occupied by Mr. Hiss? A. It had Mr. Hiss's desk. It had some file cases, some chairs, and part of the time there was a table and a typewriter in there, or

extra typewriter. We kept two in the office most of the time. There may have been another desk in there.

Q. Were not there two other desks in there? A. There may be two others. As they came and went the furniture in that room changed.

Q. During the time that Mr. Hiss was there other people at times occupied that room, did they not? A. Mr. Grady came in and occupied that room at intervals.

Q. How about Mr. John Dickey? A. Mr. Dickey? Mr. Hiss succeeded Mr. Dickey. He was there from time to time and he did come in and would sit there.

[1189] Q. Mr. John Dickey was Mr. Hiss's predecessor?

A. Yes.

Q. And he is now president of Dartmouth College?

A. He is.

Q. He continued as consultant after Mr. Hiss came, didn't he? A. Perhaps there was an overlapping there. I can't tell exactly. He was in and out from time to time, yes.

Q. And when he came down he would occupy that room?

A. He would be in that room, yes.

Q. At times would members of the Trade Agreements Section occupy desks in that room? A. I don't recall that the Trade Agreements people did.

Q. Do you recall Mr. Darlington? A. Yes.

Q. Occupying a desk in that room? A. He may have for a very short period of time.

Q. Was there anyone else in the Trade Agreements Section that occupied a desk in that room during the period 1937-1938? A. I don't recall.

Q. Mr. Darlington's position was what in 1937 and 1938, if you know? A. I don't recall what his title was. I know he was working on trade agreements.

Q. The Chief of the Trade Agreements Section was Mr. Harry C. Hawkins? A. Yes.

Q. And Mr. Darlington was under Mr. Hawkins during that [1190] period? A. Yes, he was.

Q. And during the same period Mr. Henry Julian Wadleigh was in the Trade Agreements Section, was he not? A. He was in that section.

Q. Do you know what his position was? A. I believe an economic analyst.

Q. Economic analyst? A. I did not keep up with the titles too well.

Q. I beg your pardon? A. I did not keep up with their titles.

Q. If you can help— A. I will be glad to if I can.

Q. Mr. Sayre was interested in trade agreements?

A. Yes.

Q. I think you gave that as one of his primary fields in which he was interested during this period? A. Yes, it was.

Q. When you speak of trade agreements can you tell us just a little bit what their work was, and what Mr. Sayre's work was? A. Negotiating agreements with various foreign countries and also he assisted when the Act was before the Congress in getting the Act passed by the Congress.

Q. That was pursuant to some Act of Congress? A. Yes, it was. The Trade Agreements Act was an Act of Congress.

Q. And that was—if you know the original date it was passed? A. Originally passed, I believe it was, in 1930—Mr. Sayre came in November 1933. It was passed—I don't [1191] know whether it was that year or the following year. 1936 I think.

Q. And it ran for one year? A. Yes.

Q. And then was renewed? A. For three.

Q. From year to year? A. I think it was passed for one year and then renewed for three.

Q. And it continued for a period subsequent to 1939?

A. Yes.

Q. I mean it was continuously in effect during the time from the date of its enactment until Mr. Sayre left and became High Commissioner of the Philippines? A. Yes.

Q. The Trade Agreements Section was set up after

Mr. Sayre went to the State Department? A. About that time they were setting up to handle that work.

Q. And the personnel was secured or obtained for work under Mr. Sayre? A. That is right.

Q. The work would be reviewed, so far as any superior would review it of the Trade Agreements Section, by Mr. Sayre, would it not? A. Yes.

Q. And Mr. Hiss and Mr. Sayre's assistant were also engaged, at least in part, on work in reviewing trade agreement work and assignments? A. He was.

Q. And from time to time people from the Trade Agreements Section would come to Mr. Sayre's office for conferences or to report to Mr. Sayre? A. Yes.

[1192] Q. And you say that you have on occasion seen Mr. Henry Julian Wadleigh come over to Mr. Sayre's office in connection with such meetings? A. Yes.

Q. When Mr. Darlington was occupying a desk in Mr. Hiss's office did you see Mr. Wadleigh around? A. I don't recall that I did. The only time I recall seeing Mr. Wadleigh was when he came in in meetings.

Q. Now, you said Mr. Sayre's duties also related to the Philippines? A. That is right.

Q. That was for what period? A. The latter part of his stay in the Department.

Q. Well, he came to the Department in 1933, didn't he?

A. That is right.

Q. And you were with him during that time? A. I was.

Q. Now, before he took over the trade agreements work, after the enactment of the Legislation, what, in general, were his duties? A. Before he took over?

Q. Yes. A. He came and was working on the Trade Agreements Act, if I recall correctly.

Q. And then when it was passed he continued to supervise? A. That is right. He was the Assistant Secretary in charge of trade agreements.

Q. He was during a part of this period Assistant Secretary of State? A. He was Assistant Secretary of State during that entire period.

[1192a] Q. And as such he had certain other duties? A. Yes, not particularly, unless some Assistant Secretary was absent.

Q. Was he on any committee? A. Yes, he was on an interdepartmental committee in connection with trade agreements and he was the—oh, dear—interdepartmental? I can't think of the title of the committee at the moment.

Q. Was he chairman? A. Yes.

[1193] Q. Any other committees he was a member of during that time? A. That is the one that I remember specifically.

Q. How about the Policy Committee? A. Policy Committee?

Q. Policy Committee. A. What type of policy committee?

Q. Well, the Policy Committee of the Department of State. Is there such a committee? A. There is now.

Q. Was there before? A. I don't recall that there was. There was a Policy Committee on Trade Agreements.

Q. Well, was he a member of that? A. Yes, he was.

Q. Was he chairman? A. He was chairman of that, I believe. I cannot think of the name of it.

Q. I understood, Miss Lincoln, yesterday you to say that if you wanted a file that you might either send for it or go for it yourself? A. Yes.

Q. Where was the file room with reference to your room 215-1/2? A. 215-1/2 is on the second floor. The file room is on the fourth and fifth floors.

Q. Fourth and fifth floors? A. Yes, mainly on the fourth, the other side of the building.

Q. Of course at times you went into Mr. Sayre's room? A. Yes, I did.

Q. And during your vacation and during lunch time and during other absences from the room I assume that Miss Newcomb was there? A. Miss Newcomb was there.

Q. What is her first name? A. Annabelle.

[1194] Q. Is she still with the State Department?

A. She is with United Nations coming under the State Department.

Q. Secretary to Mr. Sayre? A. Secretary to Mr. Sayre, chairman, United States representative on the Trusteeship Council.

Q. When Mr. Sayre became High Commissioner of the Philippines she accompanied him as secretary?

A. She did.

Q. Now, with reference to action copies, I think yesterday you said they would come over in a locked box?

A. Those that had a security classification would come in a locked box.

Q. Well, which specifically would you say had a security classification? A. Anything that was marked "Confidential," "Strictly Confidential" or "Secret."

Q. Well, if it were an incoming cable would that be anything in code? A. Yes; our cables came in code.

Q. I beg your pardon? A. Our cables came in code.

Q. Would it include all of the codes? A. It would not include all of them. There were some codes that were not considered confidential, and those that were not considered confidential would come in just the open route.

Q. Well, I had in mind the lettered codes A, B, C, D. Would it include those codes? A. It would include those [1195] codes. They would come in a locked box.

Q. The gray code— A. Was not considered a confidential code and therefore it would not come in a locked box.

Q. It would come in— A. The regular route, mail, to our office.

Q. And the information copies of all the security ones, all the action copies that would go to some other office and which were sent to Mr. Sayre's office would come in a sealed envelope? A. It would come in a sealed envelope, yes.

Q. Now, after they were taken out of the box was the action copy or the information copy handled in exactly the same way as far as routing or distribution in Mr. Hiss's office and Mr. Sayre's office? A. Yes, when it came in the locked box I would stamp it with the office

stamp; and if it was something they would want to see—if they had already seen a copy—that is, a white copy of it— and it was something they would not be particularly interested in, then it would not be necessary to bother them the second time. I would just return that, although I would put the office stamp on it.

Q. Well, what I had in mind, Miss Lincoln, was this: so far as the handling of the action copies or information copies, except as any action was taken they were handled just alike after they got into your office?

[1196] A. That is right.

Q. And the matter of bringing it over in a locked box or sending it away merely had to do with bringing it to your office and the taking it away? A. That is right.

Q. And during the day, of course, incoming cables, both action copies and the information copies might be on either Mr. Hiss's or Mr. Sayre's desk?

A. That is right.

Q. And that would be true of either the action copy or the ribbon copy of a dispatch or any carbon copy that might be retained? A. That is right. The original document usually went to the division that drafted the original action and would be attached to the reply as it went through the department.

Q. If a dispatch was routed through Mr. Sayre's office, it generally had copies attached to it? A. Generally, yes.

Q. And if either Mr. Sayre or Mr. Hiss desired to retain a copy they would simply take a copy and send it along to the next routing office? A. They would take a copy and send the original along to the routing office.

Q. Yes, whatever remaining copies there were?

A. Yes.

Q. Then all of these documents, either the incoming cables, the action copy or the information copy, or the dispatches, or copies of dispatches, or the pink [1197] copy of the outgoing cables would be on Mr. Hiss's desk or Mr. Sayre's desk as the case might be during the day?

A. That is right.

Q. And then at night you would check up and put them away in the cabinet? A. That is right.

Q. I assume that you went through the mail that came in to try to screen it and classify it to some extent and discard or not send in to Mr. Sayre things that you thought he would not be interested in?

A. The only thing I did not send in to Mr. Sayre were certain copies of telegrams which I thought he would not be interested in, those on personnel and the maintenance of our missions abroad.

Q. Well, they would not be classified when they came to your office? A. That type usually was not classified. It was a matter of personnel.

Q. But you would make a classification, and whatever you thought he would not be interested in you would not send in? A. So far as telegrams were concerned. If it were a dispatch or a memorandum or anything of that kind I always sent it in.

Q. You always sent these in to Mr. Hiss?

A. Yes, I did; all the papers were seen both by Mr. Hiss and Mr. Sayre.

Q. How many cables would you say, Miss Lincoln, [1198] in the years 1937, 1938, came to Mr. Sayre's office during an average day? I realize there is a range.

A. There is a range there. I would be a little bit hesitant to say exactly how many came in.

Q. I realize that. A. Sometimes there would be 20, 25 in the first delivery in the morning, and they would come in at intervals during the day. In the morning was usually our heaviest delivery.

Q. You would think that in an average day the telegrams might be as many as 50? A. I should think so. Less a good deal of the time.

Q. Well, of course it varied from day to day?

A. That is right.

Q. And how about the dispatches?

A. That again varied. We got dispatches from all over the world, and when an agreement was in negotiation, where there was more correspondence from one particular country, why, sometimes there would not be as many.

Q. How about the pink copies of outgoing cables?

A. That again fluctuated the same as the incoming.

Q. Was there another category or classification you had of incoming mail besides the three that you mentioned?

A. I don't recall that we had any others. Confidential—well, plain, of course, things that were not classified.

Q. Well, how about local press summaries that you [1199] got from various parts of the country?

A. That would be plain.

Q. Beg your pardon? A. That we would consider unclassified.

Q. Unclassified? A. That is right, unclassified material. It would not be marked. It does not have a classification.

Q. Well, you would classify that in the third category?

A. You mean the telegrams?

Q. No, these summaries of news. A. That we received from abroad?

Q. Yes. A. If it was a summary of news, those I would send in to Mr. Sayre and to Mr. Hiss.

Q. How about the summary of local press throughout the country? A. There would not be telegrams on that. That would be a mimeographed summary which was made up in the department.

Q. Well, was that placed in a separate category? A. No, I always sent them in to Mr. Sayre and Mr. Hiss the same as any other mail received in the department.

Q. What part of the country were those summaries from? A. It was just a general summary of the press as it appeared from day to day.

Q. From various newspapers? A. From various newspapers.

Q. Domestic or— A. Domestic usually.

[1200] Q. In 1938 who in the State Department, if you know, had charge primarily with neutrality matters, under the Secretary, of course? A. Under the Secretary?

Q. Yes. A. I was trying to think; the officers of our department had changed so frequently.

Q. Judge Moore? A. Judge Moore was there; he was our counselor.

Q. Counselor? A. Counselor.

Q. And he had to do with neutrality matters?

A. He did while he was there, I believe.

Q. And was he in charge or having to do with neutrality matters in 1937 and 1938? A. Just what years I am sorry I can't tell you.

Q. He and Mr. Sayre were friendly? A. Yes.

Q. Very friendly? A. Yes, very friendly.

Q. Distant cousins? A. That I don't know.

Q. Now, did Mr. Hiss and Mr. Sayre lunch together from time to time? A. Occasionally they went out together.

Q. That was during 1937, 1938? A. During the time when Mr. Hiss was in the department.

Q. Do you remember about how frequently they had lunch together? A. No, because when they went out of the door together I didn't know whether they were going to lunch or whether they were just going out at the same time.

[1201] Q. Well, they did go out from time to time?

A. They did go out from time to time, yes.

Q. And, of course, Mr. Hiss on frequent occasions went in to report to Mr. Sayre when you were not present?

A. That is right.

Q. Now, with reference to a question asked you on direct about Mr. Sayre and Mr. Hiss taking work home at night, is it true that from the time you first worked for Mr. Sayre, beginning in 1933 until he became High Commissioner and went to the Philippines in 1939, he frequently took work home at night in his briefcase?

A. He took work home in his briefcase, and it was full when he went out and the material was not on his desk.

Q. That was his common practice, wasn't it?

A. Yes, it was.

Q. And that was Mr. Hiss's practice while he was there?

A. Mr. Hiss would go out with a briefcase also.

Q. Just one further question: Was Mr. Sayre also

interested in League of Nations work? A. He had a general interest in League of Nations work.

Q. That is what I meant. He did not have any duties?

A. No, no duties.

Q. Because of his father-in-law's connection and all he maintained a very genuine interest in League of Nations work, didn't he? A. I know that he was interested in it.

[1202] MR. CROSS: Thank you very much.

MR. MURPHY: Thank you, Miss Lincoln.

(Witness excused.)

ESTHER CHAMBERS, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mrs. Chambers, you are the wife of Whittaker Chambers?

A. I am.

Q. And you are the mother of his two children? A. Yes.

Q. Would you try to keep your voice up a little bit?

A. I will try.

Q. How old are those children, Mrs. Chambers?

A. My oldest child Ellen is 16; my younger child John is 13.

Q. And you live on a farm down in Westminster, Maryland?

A. We do.

Q. And do you help your husband work that farm?

A. Yes. We have approximately 50 head of dairy cattle and milk 18, my husband and I, with the help of the children.

Q. And how long have you been on that farm?

A. About 10 years.

Q. Now, you were born in New York, were you, Mrs. Chambers? A. I was born in New York.

Q. And did you receive most of your primary education in New Haven? A. In New Haven, Connecticut. I

went to high school in New Haven, Connecticut, and took a business course there as well.

[1203] Q. And did there come a time when you went to the Rand School here in New York? A. That is right. I came to go to the Rand School in New York.

Q. You won a scholarship, I think, did you?

A. I did.

Q. Where else did you go to school, Mrs. Chambers, after that? A. I attended the National Academy, the Art Students League, the New York School for Design and the Leonardo de Vinci Art School.

Q. I take it you are interested in art? A. Yes, I am.

Q. Before you got out of school, or while you were in school here in New York, will you tell the Court and jury where you worked, if you did work? A. After I graduated from the Rand School I stayed on for a while doing clerical work of a sort, took part in some of the Socialist campaigns; then went on as secretary of the Mount Vernon International Ladies Garment Workers Union. From there I went on the World Tomorrow as advertising manager and then became advertising manager of the New Masses, and from there I went to the Amtorg Trading Corporation as reception clerk, and later on in the import department selling matches. I can remember only one other job I held for a very short time in the art gallery at the New Art Center, I think it was called Neuman's Art Gallery on 57th Street—New Art Circle it was called.

[1204] Q. How long did you work for Amtorg? A. Two or three years.

Q. Was the Rand School a school conducted by the Socialist Party? A. That is right.

Q. When did you marry Mr. Chambers? A. We were married on April 15, 1931.

Q. And did you know that he was a member of the Communist Party at that time? A. I did.

Q. Were you? A. I was in sympathy with the Communist Party at that time. I have never been a member of the Communist Party.

Q. You were not a member then? A. No. I never have been.

Q. Never have been? A. Never have been.

Q. Now, Mrs. Chambers, will you tell us when you moved down to Baltimore? Do you know what year that was?

A. In 1934 we moved to St. Paul Street for the first time.

Q. Do you remember the number? A. 903 I believe.

Q. Do you remember who occupied the ground floor?

A. The Women's Christian Temperance Union had the remainder of the building. I think we were tenants of the W.C.T.U.

Q. That was at 903 St. Paul Street. Did there come a time after that or before when you met either Mr. or Mrs. [1205] Hiss? A. Shortly after we moved to St. Paul Street I was introduced to Mr. Alger Hiss at our apartment by my husband, and Mrs. Hiss—

Q. You mean the apartment at 903 St. Paul? A. 903 St. Paul Street.

Q. Did there come a time when you met Mrs. Hiss?

A. Mr. and Mrs. Hiss both came to dinner about a week later and from there on I met Mrs. Hiss—

MR. CROSS: Now, if your Honor please, when Mr. Hiss is not present certainly her meetings with Mrs. Hiss I think are immaterial and irrelevant.

THE COURT: There is no question for the Court to rule upon now.

MR. CROSS: She had said that after that she had met Mrs. Hiss and I think that part of the answer should be stricken out.

THE COURT: Motion denied.

Q. Now you say you met Mrs. Hiss and Mr. Hiss. They came to dinner you say? A. That is right.

Q. Did you thereafter have occasion to meet either or both in Washington? A. Mr. and Mrs. Hiss took us on a trip to see the fall coloring, I believe, from St. Paul

Street. I don't know just where we went. It was somewhere outside of the city.

Q. You mean a little automobile trip in the autumn?

[1206] A. That is right, and we also went to the Normandie Farms, I think, about that time.

Q. That is a restaurant, is it not? A. Yes, sir.

Q. On the Baltimore Pike? A. Yes.

Q. That is the pike between Baltimore and Washington?

A. That is right. Mrs. Hiss and I frequently saw each other—

MR. CROSS: Now, if your Honor please, I object to this. This raises the question as to whether or not meetings when Mr. Hiss was not present at this period is immaterial to any issue that we are trying in 1938 as to whether or not certain papers were passed, or Mr. Hiss saw Mr. Chambers during that period. It is immaterial and we object to it.

THE COURT: What years are you referring to, Mrs. Chambers?

THE WITNESS: This is 1934 and 1935, sir.

MR. MURPHY: It is only preliminary, your Honor, and I propose to prove through this witness the very close family relationship which I think is relevant on the question raised both in the opening and on the cross-examination of Mr. Chambers.

MR. CROSS: We certainly think it has no relevancy to whether or not in February and March, 1938, Mr. Hiss gave any State papers to Mr. Chambers when Mrs. [1207] Chambers, I am sure, will say she was not there and knew nothing about it. Mr. Hiss was not present and these meetings she is now about to testify to that she said took place in 1934 and '5 I think are immaterial.

THE COURT: Mrs. Chambers, you are not to give the contents of your conversations or what was said by either.

MR. MURPHY: I won't ask you what was said at this meeting, Mrs. Chambers. Merely tell us about the meetings, if you will.

MR. CROSS: If your Honor please, I think perhaps I have erroneously assumed that this would be limited to some later period and it seems to me there ought to be some time limit placed on it, and I don't want to be raising continuous objections. I had understood it was to be limited to a much later period.

MR. MURPHY: I do not know of any understanding.

MR. CROSS: I did not mean that it was with you, but I assumed it was to be limited.

THE COURT: This is merely preliminary, I take it.

MR. MURPHY: Yes, your Honor, and I will get on to the other years quickly.

BY MR. MURPHY:

Q. Mrs. Chambers, will you tell the Court and jury the circumstances of moving into an apartment that we have [1208] come to know in the City of Washington as the 28th Street apartment? A. Yes, sir. Mr. Hiss moved our baby's equipment, the crib and bassinet, et cetera, in the little Ford, and I then went to the P Street house to wait for the key and had to wait there while Mr. Hiss was pleading a case in some court—

Q. Well, did you wait more than a few hours or—

A. Just a few hours, about five, I should say, and then we went to our own apartment which we had—were using, the end of the lease that the Hisses had, some six weeks we remained there.

Q. What year and months were those? A. That was, I should say, May and part of June. Shall I continue?

Q. What year? A. 1935.

Q. How about the furniture and other things that were necessary? Did you have those? A. This was all furnished with the Hisses' furniture. The house on P Street to which they were moving was well furnished and they left us amply supplied with the things that we needed at the apartment—the 28th Street apartment.

Q. What did you bring? You say just the baby's things?

A. Just the baby's things.

Q. Did you at that time stay a few days at the P Street house? A. No, we did not. I simply stayed there for a number, say five, hours when I was waiting for the key to the [1209] 28th Street apartment.

Q. Now, did you meet Mr. or Mrs. Hiss at the 28th Street apartment thereafter? A. Mrs. Hiss came to lunch with me at the 28th Street apartment and our maid, Julia, who we had inherited more or less from the Hisses, served us—Mrs. Hiss, in the presence of Julia, pretended—

Q. Well, just a moment. A. I am sorry.

MR. MURPHY: Try not, if you will, to tell us the conversations in the absence of Mr. Hiss.

THE WITNESS: I am sorry. I had forgotten.

Q. Now, did you stay there, you say, about six weeks or so? A. About six weeks.

Q. And during that time can you recall how frequently or infrequently you saw Mr. or Mrs. Hiss? A. Well, I can remember several instances. Mr. Hiss took the baby and Mr. Chambers and myself for rides to Haines Point, which is on the river, and I remember one instance of being at the Point itself and another where we went to look at the roses which were in bloom; another instance of being taken to Mount Vernon—I believe that is all.

Q. Now, did there come a time when you left the 28th Street apartment? A. We left the 28th Street apartment to go to West 4th Street in New York.

Q. Do you recall how you got there? A. Mrs. Hiss brought our furnishings, the same things I referred to, the baby's [1210] things, in the little Ford and Mr. and Mrs. Hiss brought it down to West 4th Street. I recall Mrs. Hiss coming in first and about a half hour later Mr. Hiss came in and they left very shortly after that.

Q. How did you get to New York? A. I don't recall.

Q. And do you recall whether or not you saw Mr. and Mrs. Hiss in New York at the 4th Street apartment? A. Yes. I remember Mr. and Mrs. Hiss and my husband—I just have a mental picture of it—poring over a map and looking for that little place called Long Eddy up in New

York to which Mr. and Mrs. Hiss and my husband went. It was a little place that was advertised for rent during the summer. I would like to explain that while we were in New York in the 4th Street apartment—

MR. CROSS: Just a moment. If this is not something that occurred in the presence of Mr. Hiss or something that was said, it seems to me it is improper.

THE COURT: I think Mrs. Chambers stated she saw Mr. and Mrs. Hiss and her husband poring over a map.

MR. CROSS: She said she wanted to explain something about something in New York, and I wanted to say if Mr. and Mrs. Hiss were not present obviously that is not admissible.

THE COURT: That would be immaterial, Mr. Murphy.

[1211] MR. MURPHY: I do not know what she was going to say.

THE WITNESS: It was just hot, I wanted to say, and the point was we were looking for a cottage or some relief from the heat, and Mr. and Mrs. Hiss were going to share it with us.

Q. I did not ask you in the beginning, but I have not talked with you since how long ago? A. I believe the last time I saw you, Mr. Murphy, was at our home on the farm when my husband—when you came to talk to him about a lie detector.

Q. About how long ago was it? A. Oh, about a month and a half ago or two perhaps.

Q. Now, after that 4th Street house—was that the house of Professor Schapiro? A. Yes. That was Dr. Meyer Schapiro's house.

Q. Now, did you see either Mr. or Mrs. Hiss after that—after the 4th Street house? A. We went thereafter to a cottage on the Delaware—Smithton was the name of the station—where Mrs. Hiss visited me and stayed with me for ten days, at the end of which time Mr. Hiss came and called for her and they both left for Washington.

Q. Did you do any painting there at all? A. Yes. It was for that purpose that Mrs. Hiss came to help me.

MR. CROSS: Just a moment, if your Honor please.

[1212] THE COURT: Yes. Strike it out.

Q. Did you give Mrs. Hiss anything at that time?

A. I did, a landscape from the porch of the little cottage, which I gave to Mrs. Hiss and which I later saw in her home on 30th Street, in the dining room.

Q. By the way, what did you call Mrs. Hiss at that time and what did she call you? A. I called Mrs. Hiss Pros and she called me Liza.

Q. Your name is Esther, is it not? A. My name is Esther.

Q. What did you call Mr. Hiss? A. I called him Hilly.

Q. Hilly? A. That is right.

Q. Now, did there come a time when you went back to Washington or Baltimore with Mr. Chambers? A. Yes. From this place on the Delaware we moved to the P Street house and stayed there approximately five days.

Q. By the P Street house you mean the house that Mr. and Mrs. Hiss were living in in Washington, D.C.?

A. That is right.

Q. And you stayed there, I take, at their invitation?

A. That is correct.

Q. And whereabouts in the P Street house did you live?

A. Timmie was occupying the top floor, the entire top floor at the time, and they moved the furnishings of Timmie into the second floor, which was divided into two rooms, [1213] and we had the entire top floor and bath. We shared the kitchen, of course, and we shared our meals and it was to be as one family.

Q. Did you have only one baby then or two? A. I had only one baby at that time.

Q. You say you stayed there about five days?

A. About five days.

Q. Was there any arrangement between you and your husband and Mr. and Mrs. Hiss about staying there at that time?

MR. CROSS: Now, if your Honor please, that is a conclusion. I don't object if there is any talk in Mr. Hiss's presence.

MR. MURPHY: I withdraw the question.

THE COURT: Mr. Murphy says he will withdraw it.

MR. MURPHY: I will withdraw it and reframe it.

Q. Will you tell us, Mrs. Chambers, was there any conversation between you and your husband and either of the Hisses in the presence of Mr. Hiss about staying at P Street at that time? In other words, I don't know whether you understand my question. A. I don't exactly.

Q. What I am trying to find out is whether there was any talk between you four as to the staying at P Street?

A. Actually I never did realize why it was we did other than that they wanted us to. I think this was an agreement, [1214] and the Alger Hisses—

MR. CROSS: That, I think, the agreement between her husband and Mr. Hiss, if she was not present should go out.

MR. MURPHY: That is correct.

THE COURT: It should go out.

Q. You did not hear any agreement of any sort with your ears? A. It was understood—not with my ears.

Q. I take it you had more gear with you then than the first time, did you? Do you know what belongings you brought with you to P Street? A. No. We had relatively the same.

Q. Just the baby's things? A. The baby's things and our own equipment, whatever it happened to be.

Q. Did you have your meals together? A. We had our meals together.

Q. And by "you" I take it you mean you and your husband and Mr. and Mrs. Hiss? A. And the baby, that is right.

Q. After you stayed there four or five days, as you say, where did you go? A. We soon realized that did not work out very well for two families—

MR. CROSS: I am sorry, if your Honor please—
THE COURT: Yes. Strike that out.
THE WITNESS: I am sorry.

Q. Just tell us, if you will, where you moved to.

[1215] A. We found an apartment in Baltimore, Eutaw Place, and moved there after the five days I have spoken of.

Q. What did you use for furniture at Eutaw Place?

A. At Eutaw Place we bought a few small furnishings. I recall a bedroom suite that we bought which was relatively cheap, at an auction place, and some secondhand furniture. Mr. and Mrs. Hiss very kindly helped us out and brought us over a rug and a dining room table and several odd pieces for our little girl, a chest of drawers and a little table and chair which Timmie had used. I cannot recall other things at this moment.

Q. How long did you stay at Eutaw Place? A. We stayed there about a year.

Q. Did you see either Mr. or Mrs. Hiss at that address?

A. Yes, I saw quite a good deal of Mrs. Hiss at that time. I saw Mr. Hiss of course too. We went to two, at least that I recall, Russian films given at a little theatre. They had dinner at our home on several occasions. Mr. Hiss, as I recall, brought this rug. I can see him bringing it in. Mrs. Hiss very kindly came and stayed with the baby when I had to have prenatal care. My other child was on the way and I went to New York and Mrs. Hiss remained with the baby.

[1216] Q. She stayed overnight? A. She stayed overnight with the baby. I recall too that she met me several times in the square in front of the house. Eutaw Place is almost entirely a square in front, a little park area, and I would take the baby out for air, and we met there.

Q. By the way, what did either Mr. or Mrs. Hiss call your husband? A. Carl.

Q. Just Carl? A. Just Carl.

Q. No surname? A. No surname.

Q. What name were you living under in Eutaw Place, I didn't ask you? A. Cantwell.

Q. Cantwell? A. Lloyd Cantwell.

Q. And what name were you living under at 903 St. Paul Street? A. Cantwell also.

Q. Cantwell? A. Yes.

Q. And up at the Delaware, Smithton? A. Breen, I believe—no, wait a minute. Delaware? I don't know at this minute.

Q. Well, was there a time— A. I believe Cantwell.

Q. Beg pardon? A. I believe Cantwell.

Q. Was there a time when you used the name—

MR. CROSS: Will you please speak up, because I have difficulty in hearing you.

THE WITNESS: I am sorry.

Q. Will you try to keep your voice up, Mrs. Chambers.

[1217] A. I will try.

Q. Was there a time when you did use the name Breen?

A. Yes, there was a time when we did use the name Breen, and perhaps we started there, I can't this minute say where it started; but at New Hope we had the name Breen, David Breen. My own name, I believe, was Edna Breen; the little baby's name was Ursula Breen, and little John who had arrived was Patrick Breen.

Q. Now, you say that you met Mr. and Mrs. Hiss at your home on Eutaw Place, and you say they had dinner there, and you went to a movie once or twice?

A. That is right. We also had dinner at Hutzler's, a department store, which had a large dining room. I met Mrs. Hiss at Hutzler's too, and we shopped together. Mrs. Hiss at that time was making inquiries at the Mercy Hospital about a nursing course she was interested in—

MR. CROSS: Now just a moment. Your Honor said that the substance of any conversation not in the presence of Mr. Hiss was not admissible, so I think the witness—

THE COURT: The motion is to strike it out?

MR. CROSS: Well, I think it is improper in view of your Honor's ruling.

THE COURT: Your motion is to strike out the answer?

MR. CROSS: Yes.

[1218] THE COURT: The motion is granted.

MR. CROSS: Unless Mr. Hiss was present. I do not object if Mr. Hiss was present.

THE COURT: I take it he was not present at that time.

Q. Do you recall, Mrs. Chambers, whether Mr. Hiss was present at the time of the talk about the Mercy Hospital?

A. Oh, I am quite sure he was present. We discussed it at great length, and Mr. Hiss probably was present at the dining room table where we talked about it. This was a constant subject at the moment. At that time while we were at Eutaw Place Mrs. Hiss was very much concerned about that and really wanted to do that course.

Q. Now, after Eutaw Place did you ever visit the Hisses in Washington at all? You have described the P Street visit—I don't think I asked you, Mrs. Chambers, to describe the house, the inside of the house.

A. At P Street?

Q. Yes. A. The exterior too?

Q. Yes, if you will. A. The P Street house went up one floor with a stair; in the back of that stair was a little entrance to the basement where the dining room was first and the kitchen behind. As you entered the house up the stairway you came into a hall which had a kind of a circle to the left, a circle so that the [1219] stair circled up a little bit. After you left the hall you entered into a very long living room painted green; the windows, by the way, had window boxes in which Mrs. Hiss tried several times to make boxwood live. It was rather a trial to her. And in the rear was a terrace with a little garden, a Spanish tile terrace with little black rail, and a ginkgo tree which I could see from the bathroom window on the third floor—the top of which I could see from the bathroom window on the third floor. The living room had a white marble fireplace on the righthand side, shelves on the left, with a stairway and going down into the dining room.

On the third floor, counting the dining room, kitchen as the first, the living room on the second, the third floor

contained a bathroom at the head of the stairs; the back room which became Timmy's, and the front room which were Mr. and Mrs. Hiss's. The third floor was at our disposal.

Q. Now, you say you did visit the Hisses again in Washington at another house, was it?

A. Yes, sir, in the 30th Street house. The 30th Street house—

Q. I just want to interrupt. When was the last time you had seen the P Street house and the 30th Street house, do you recall? In other words, have you been [1220] there in the last two or three years? A. Oh no, not at all. I have not been in Georgetown since 1938, I should think, and only passed through Washington, oh, say in the last ten, perhaps, years.

Q. Now, you were going to describe the 30th Street house. A. The 30th Street house was one of three houses; that is, it had party walls; it had a little rail going up into this—oh, just a few steps going up into the house; it had a white or off white color; it had blue shutters which I only have recently remembered; it had a pink room which was the living room, and the back had a stairway going down into a green dining room, painted green dining room. And I can recall distinctly seeing the picture which I painted on the Delaware in the far lower side of the back wall of the dining room.

I don't remember anything about the upper floors. I don't believe I was there. I think I was there twice. Once Whittaker and the children, both children and myself parked a little distance from the house; it was in the daytime, which was unusual for us; and it was in the summer, and we parked a little distance. The end of the street was a streetcar crossing—

Q. Trolley tracks? A. Trolley tracks, that is right, thank you, and we parked there; and Whittaker went ahead to investigate if there were any other [1221] visitors and whether it was all right for us to come in; and then we stayed, oh, a relatively short time, and the accident to which I referred the last time occurred there, and therefore it was indelibly impressed on my mind.

Q. The jury, of course, were not here last time. That was an accident which the baby had?

A. Yes, the little baby wet the floor, and Mrs. Hiss very kindly gave us an old very soft towel to use on the baby. My own daughter had used that just recently to wipe the windows, and I wish to goodness she had not because I would have liked to have brought it here.

Then the second time that I can recall at 30th Street was the time we came—as my husband had reported—was the New Year's party at 30th Street.

Q. You say the second— A. The second visit I can recall was the time we came and had a kind of a New Year's party, just we four, and we had port at that time, and that too is indelibly impressed on my mind because my husband was violently sick outside.

Q. Where were you living in Baltimore at this time?

A. This was in—

Q. What year was this? A. This must have been 1936 and 1937, and we were living then at Auchentoroly Terrace.

Q. This incident where the baby wet, you say you and your husband—did you see both Mr. and Mrs. Hiss at [1222] that time? A. That is right, and Timmy too. I remember Timmy standing on the stairway there in long pepper and salt trousers looking very big for his age; I think he was 11 years old at the time. I just recall that because he was so much bigger than you would expect a little 11-year old to be; he was a nice big strapping boy.

Q. Now you say you were living in Baltimore at Auchentoroly Terrace? A. Correct, I think.

Q. And where else did you live in Baltimore?

A. We moved to Mount Royal Terrace.

Q. Do you recall whether either Mr. or Mrs. Hiss came to visit you at either one of those houses?

A. At Auchentoroly Terrace, to start with, yes, I do remember both of them coming to visit us there. I remember, too, going out to the park with Priscilla Hiss, Druid Hill Park was right in front of the house, and had a nice zoo, and the baby and I would often go there, and I remember this particular incident because we almost had an

accident crossing, it was a very, very heavily trafficked place, and we almost had an accident there, and therefore I recall that very clearly.

And Mr. Hiss I can very well see sitting opposite myself and Whittaker with Mrs. Hiss in one of our soft chairs there.

Q. Did they— A. Sir?

[1223] MR. CROSS: I can't hear. She said so many things, and it is so low.

MR. MURPHY: Mr. Reporter, will you please read the last part about Druid Hill Park.

(Portion of answer referred to read.)

Q. Now, do you recall whether or not Mr. and Mrs. Hiss visited you at the Mount Royal house? A. Yes. Mr. and Mrs. Hiss brought a bottle of American California champagne wine one evening after the maid was gone and the babies were in bed, and we celebrated, just the four of us, their wedding anniversary, which was some time in the middle of December.

Q. That is 1937? A. 1937, sir.

Q. And you say you and Mr. Chambers and both of the Hisses? A. That is correct.

Q. Now, did you have occasion to visit any house other than the houses which you have described where the Hisses lived? A. Yes, at the Volta Place house I visited there shortly after they moved in, and we had just the four of us a little housewarming party at which we served these little cut-out catered sandwiches, the remains of an afternoon housewarming party on a larger scale.

Q. Do you think you can describe the Volta Place house? A. I believe so.

Q. How many times were you there, Mrs. Chambers?

[1224] A. Well, I have heretofore described only one, I believe, but I have a recollection of a further visit there but I can't tell you what the occasion was except that it was later.

Q. Well, would you please describe the outside and inside of the house? A. The Volta Place house had a walled-in garden, walled-in entrance, I might say, a little

gate in which you entered; it was white when I knew it, and a white wall; you entered this little gate and went up several steps; I think there were a couple of landings as you went up but I can't recall that too clearly; and then you went to the left on to a porch which was concrete or some such hard substance, and entered the living room, I think, although I later recollect a hall, but that is kind of mixed up.

A long living room in which there was a fireplace—in which there was a stairway going up to the right, let us say, with some windows to the right, and a stairway, and then a half-broken wall with a fireplace there.

Behind that, toward the street was this dining room, a rather small dining room, and beyond that to the left was a little kitchen.

The dining room contained a newly-finished Hitchcock chair in black with a little gilt around it; plum chintz curtains; the living room was kind of a [1225] plum pattern, a little faded plum pattern, wall paper; the curtains to the right there at the windows were a kind of a natural color, cream, just off white, not an ecru, just a sort of a cream color, perhaps washed out, I don't know.

Q. What? A. Perhaps washed out or cleaned; it was just a kind of a natural color. I remember too they had drawstrings such as some offices had, which charmed me at the time.

Q. Did you go upstairs?

A. Upstairs, yes. Upstairs you came to a landing and made a turn to the left and into a room which had no door, as I recall it, but in which they had their box piano. Beyond that was a bedroom, and I recall the particular bedspread which we both had seen at a sale at Hutzler's. It had a very large floral pattern.

Then, too, there was a bathroom to the left and a little landing, and a very tiny doorway into a little space which was Timmy's quarters. It was quite low, low to get into, and then after you came in it was sort of like a finished attic.

Q. Do you remember any of the floor coverings?

A. No, I don't exactly. I think—no, I don't remember. I mean, I don't remember distinctly. And, Mr. Murphy, as you came into the garden up the stair, [1226] there was what I would call an espalier, and I think it was simply a forsythia that was up against the wall, trained against the wall, the usual forsythias cascading, but this was trained against the wall; and I don't remember anything else.

And, Mr. Murphy, this further recollection that I have of the hallway, I have a distinct picture of Alger and Priscilla and my husband and myself standing in the hallway of that house and Priscilla reaching out with her left hand and switching on the light. It was about four o'clock or so in the afternoon. Alger had been out all day doing some something which I have not been able to recall, and therefore is rather bad, perhaps, to tell, but he was dressed in formal clothes with a swallowtail, and we had a kind of a discussion there, just simply jocularly, of the formal clothes that a person in his place would have to have, dating way back from his Boston days where these things had to be kept in mothballs, but I am awfully sorry that I can't remember what the occasion was that made him have to be out that whole day, having just come back, quite weary and worn from some duties which were relative to his position, you see.

I only remember this discussion and I remember just standing there in the hallway talking about this just [1227] as he was about to go out again.

Q. Now, after Mount Royal Terrace where did you live?

A. We moved from Mount Royal Terrace after we broke with the Party to a house—that is, a section of a house, it was really a large house that had been divided into apartments. We moved to this Old Court Road where we stacked our furniture from floor to ceiling on the balcony and lived very quietly and cagily until we went to Florida.

Q. How did you get to Florida—

THE COURT: Mr. Murphy—

MR. MURPHY: Did you say something, Judge?

THE COURT: I was about to ask the jury if they wanted a recess.

(Short recess.)

[1228] Q. Mrs. Chambers, at the recess you told us that after the Old Court Road you went to Florida. Do you recall where in Florida it was and how you got there? A. Yes, Mr. Murphy. While we were at Mount Royal Terrace we bought a Ford car and I learned to drive at that time, before we bought the car, and we, from the Old Court Road—Whittaker had gotten a translation and we went down by car to Daytona Beach and rented a house just on the outskirts of the town limits of Daytona Beach.

Q. Did Mr. Chambers work on the translation down there?

A. Mr. Chambers worked on the translation then and—

Q. Do you recall what did you do in the daytime, and I assume that both— A. Yes. I was just recalling that Mr. Chambers worked on the translation at night so that he could keep watch and I slept during the night, whatever I could, and during the daytime I kept watch.

Q. Did you have your children with you then? A. We had our children with us.

Q. I did not ask you where you bought the Ford automobile. Do you remember? A. That was at Mount Royal Terrace.

Q. That is where you were living. Where did you buy the automobile, if you remember? A. From Schmidt Ford Motor Company at Randallstown, and I bought the automobile. I made the transaction.

[1229] Q. In your name? A. In my own name, yes.

Q. Did you trade anything in with it? A. We traded in an old Ford and paid the balance in cash, which was some $400.

Q. Where did you get the $400? A. My husband gave me the $400.

Q. Cash? A. Cash.

Q. How long did you stay in Florida? A. About a month, I believe, and then returned to the Old Court Road again for a very short time, and from there on I think went

to the farm up at Westminster—not the farm we live in now but another little farm that we had.

Q. Did there come a time when you bought a house?

A. Yes. There came a time that we bought,—felt that we had to come out into the open and establish ourselves,—and we bought this house on St. Paul Street; not the old address. I forget the number, perhaps 2610. That seems familiar.

Q. When would that be, Mrs. Chambers? A. That would be the latter part of 1938 or '9, I don't know which, Mr. Murphy.

Q. Had your husband started to work on Time yet?

A. My husband had not begun to work on Time at that time. When he did—he was doing translations then—when he did begin to work on Time we sold the house and went to live [1230] with my husband's mother at Lynbrook, Long Island, New York, so as to be near my husband and his work.

Q. And then there came a time when you bought the farm you are now living on? A. Yes. We bought the farm where we now live, I believe, in 1941, after we returned from another trip to Florida in that year.

Q. I did not ask you before—perhaps I did—when you were describing the Volta Place house, is that your recollection since 1938 or have you been back there since?

A. Oh, I have never been there since.

Q. And I did not ask you, I do not believe, whether or not you ever gave the Hisses anything. You have described some furniture that you received from them. Did you, other than the landscape painting, ever give Mr. or Mrs. Hiss anything? A. Yes, I believe we gave them, so far as I can recall—I do remember that we brought them several packages, whether they were just candy or music or something of that sort I don't remember, but I do remember specifically two bird charts, similar to the ones that we got for our own children, for Timmy's room. They were bird charts that the Audubon Society puts out for schools, and they are quite colorful, and we gave those to Timmy.

Q. Did you ever have a painting or a drawing of—

A. Oh yes. While I was at P Street that five-day visit that I referred to, I did a portrait sketch of Timmy [1231] in oils. I also did a portrait sketch of Mrs. Hiss while we were on the Delaware. I have not been able to find that. I don't know whether I gave that to her or whether it was just not very successful.

Q. Did you give the portrait of the boy to— A. Oh yes. That was for the boy.

Q. Did you ever see it after you gave it? A. No, I don't believe I did.

Q. Now, did there come a time when you and your husband and family became members of the Quaker religion?

A. Yes. About five or six years ago we joined the Friends Society—the entire family.

Q. And do you belong now to a meeting in that Society?

A. That is right, the Pipe Creek Meeting, which is part of the Baltimore Quarterly Meeting.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. As I understand, Mrs. Chambers, you say that you were born in New York and then your family moved to New Haven, is that correct? A. That is right, sir.

Q. How old were you then? A. Oh, I don't recall just when my family moved to New Haven; when I was quite young.

Q. Yes, I know, but can you give us any approximation, within a period of years, when you moved from New York to New Haven, and how old you were at the time? A. Perhaps 10 [1232] or 12. I don't know really.

Q. Do you remember anything about your early life in New Haven? A. What, for instance?

Q. I beg your pardon? A. What, for instance?

Q. What address did you live in in New Haven?

A. Oh, that is a little difficult. Olive Street at one time. Grand Street another. Latchley Avenue was the last address we had. I think it was 128 Latchley Avenue, New

Haven, Connecticut. That was our last address in New Haven, I believe.

Q. Would it be fair to say that you don't remember much about your early life? A. Well, that would be rather unfair. I have not thought about it a good deal. I would be happy to recall anything you are specifically interested in.

Q. Do you recall when you were asked about your early life at the first trial, the question on page 482, if this will help refresh your memory:

"Q. Was your early girlhood spent in New York City? Did you go to school in New York City or some other city?

"A. I don't remember my early—

"Q. Well, high school, Mrs. Chambers? A. Yes, in New Haven, Connecticut."

Do you remember testifying to that?

A. Yes.

Q. Then after high school you took a business course?

[1233] A. Yes, it was a short business course in a private business school.

Q. And then next I take it you went to Rand School in New York? A. That is as I recall it.

Q. You described that as a Socialist school?

A. That is right; Socialist. That is right.

Q. And you chose Rand as a place to go to school?

A. Why, I had become a Socialist by then, I having worked along with the Young People's Socialist League, I think it was, something to that effect, and they chose a young person from the vicinity to send to the school in New York and I was chosen at that time.

Q. Was it after you attended the Rand School or later that you became secretary of the Ladies Garment Workers Union?

A. That was after?

Q. After? A. Yes.

Q. That was Local 125 in Mount Vernon? A. That is correct.

Q. Then you were a member of some other clubs, were you not, before your marriage? A. Are you re-

ferring to the John Reed Club? Yes, I was a member of the John Reed Club. In fact, my name appears as one of the charter members of the John Reed Club, which was, in my case, almost wholly honorary. I really had nothing to do with the formation of the club. I did attend their meetings and was very [1234] happy to arrange picture shows of the various artists involved where, by the way, I met my husband.

Q. Was the John Reed Club in any way associated with the Communists? A. Yes, I would say that it is definitely a Communist front organization.

Q. And you were a charter member of that? A. Well, as I say, it was purely, in my case, an honorary thing.

Q. Well, you were active in the work there? A. Well, yes and no. I mean I was arranging picture shows.

Q. You say you met your husband there? A. Yes, at one of the—well, as a matter of fact, to be exact, I did not meet him there. He helped me arrange the pictures for one of the shows that I put on for the John Reed Club.

Q. You had met your husband previously, hadn't you?

A. I had, yes. That is why I changed that. I had met him at the Passaic strike—the Passaic strike—there was a test case that the Civil Liberties Union were sponsoring, and I was then on the World Tomorrow, and with the consent of the World Tomorrow went to take part in this particular Civil Liberties Union demonstration.

Q. You were not working over in the factory at Passaic?

A. No, indeed, I was not.

Q. And you went over there for the purpose of stirring up trouble? A. Well, yes—correct.

Q. Then you were connected with some defense organization, [1235] weren't you, at one time? A. Not actually. I did volunteer during my vacation from the World Tomorrow with the Labor Defense Union—the L.I.D.—I don't know what it is called exactly, but it was the organization that was defending Sacco and Vanzetti,

and I did actually go to Boston in protest against that particular thing.

Q. That is, you did? A. I did, yes, sir.

Q. And you marched in Boston in protest to the execution?

A. I don't think I marched. I did some clerical work there and helped around that way.

Q. But you were there at the time? A. Yes, sir. I was there at the time. I was there at the execution, too.

Q. Did you ever hear of the name Arthur Dwyer?

A. Yes. That was our name on Staten Island. Arthur Dwyer was my husband's name at the time we lived on MacGuire Avenue in Staten Island, Princes Bay, I believe, but I am not sure that was the station.

Q. When was that? A. Before our baby was born. I should say in 1932, approximately.

Q. About a year or so after you were married? A. I think so, sir.

Q. What name did you go under? A. I don't know that I had a first name of my own there. I don't remember ever having to use it. We were there a very short time and I think I was just Mrs. Arthur Dwyer.

[1236] Q. That is, the entire time that your husband and you were using the false name of Arthur Dwyer, you tell his Honor and the jury that you were simply known as Mrs. Arthur Dwyer? A. Perhaps it would be easier for you to understand—

Q. No, no. Just you were known— A. Yes, I believe so. I don't remember a name for myself, I mean a special first name for myself. I just remember being Mrs. Arthur Dwyer.

Q. You knew, of course, that Arthur Dwyer was a false name, didn't you? A. It was a name he assumed, yes, sir.

Q. You know it was not Mr. Chambers' real name and you knew it was not your name? A. Why, of course.

Q. You knew it was a false name adopted for the purpose of deception, didn't you? A. Correct.

Q. And how long were you a party to the use of that

deceptive name of Mrs. Arthur Dwyer? A. I don't think we were there for longer than about three months, sir.

Q. Three months? A. I think so. I don't know the exact time.

Q. Now let me ask you when your first child was born?

A. My first child was born August—no, October 17, 1933.

Q. And you had, of course, certain prenatal care?

A. That is right.

[1237] Q. At the Booth Memorial Hospital? A. That is right.

Q. And where is that located? A. 15th Street off—between First and Second Avenues.

Q. And you used to go to the Booth Memorial Hospital for prenatal care when you were living in Long Island as Mrs. Arthur Dwyer, didn't you? A. I did.

MR. MURPHY: Staten Island?

MR. CROSS: Staten Island.

Q. As Mrs. Arthur Dwyer? A. I believe the baby was conceived there. I guess so.

Q. And when you went over— A. I am not sure that is true, sir. It is purely technical, I know what you are trying to make out—I am not sure that the baby was conceived there.

Q. My only question is were you living in Staten Island under the false name of Arthur Dwyer when you were going to the Booth Memorial Hospital for prenatal care prior to the birth of your first child? A. I was trying to answer that, sir. I am not sure that I was living there when I was getting prenatal care. I lived at Fort Lee for a while before then and it may have been so. That would have made very little difference, sir. I mean if that is so that is so.

Q. Please, Mrs. Chambers. I just asked certain questions and I would like an answer. A. I am sorry.

Q. Now under date of November 16, 1948, at least in [1238] November of last year, do you recall having your deposition taken in Baltimore? A. I do, sir.

Q. And if the record—you have seen of course copies of this deposition? A. Oh yes.

Q. And you have read it? A. Yes, sir.

Q. And if I told you that you testified on November 16, 1948, would that help refresh your memory? A. It might.

Q. Would you accept that as the date you did testify?

A. Oh yes, indeed.

Q. Now, at that time—I am referring to page 496—were you asked this question:

"Q. So during that time you were living on Staten Island as Mrs. Arthur Dwyer and you were receiving clinical care at the Booth Memorial Hospital under the name of Mrs. Whittaker Chambers? A. That is right."

Were you asked that question and did you give that answer? A. Yes.

Q. So that during the entire period when you were receiving prenatal care at the Booth Memorial Hospital, you went under the name Mrs. Whittaker Chambers? A. Also you mean? Besides?

Q. Well, at the Booth Memorial Hospital, Madam, you went under the name Mrs. Whittaker Chambers in connection with your prenatal care? A. That is absolutely correct.

Q. And during the same time you were living under a [1239] false name of Mrs. Arthur Dwyer on Staten Island? A. That is right. We always wanted our children to have as normal a life as possible and we wanted them to have their own names.

MR. CROSS: Now, if your Honor please, I think the witness should be cautioned just to wait until I ask a question and then answer it.

THE WITNESS: Excuse me.

Q. Was your first child born at the Booth Memorial Hospital? A. Right.

Q. What name did you take or have when your child was born? A. At the hospital?

Q. Yes. A. Mrs. Whittaker Chambers, and my own name was Esther Chambers.

Q. Where were you living before you went to the hospital, the Booth Memorial Hospital, for the delivery of your first child? A. At Fort Lee, a place called The Castle.

Q. The Castle? A. Yes.

Q. Under what name did you live there? A. I believe Jay Chambers, which is one of my husband's names.

Q. Well, do you recall? A. I think that is right.

Q. How long did you live in Fort Lee? A. Well, we lived there twice, at two different times. I think once before the baby was born and then—in one of the apartments—and then again after the baby was born.

[1240] Q. When you were living on Staten Island under the name of Mrs. Arthur Dwyer were you known by that name to your neighbors? A. There were no neighbors within sight. It was the dead end—it was a dead end street and ours was the very last house on the street. We had no immediate neighbors, and my only dealings were with the A & P men or the grocery store.

Q. And you were known to him as Mrs. Arthur Dwyer?

A. Mrs. Arthur Dwyer, that is correct, sir.

Q. And you knew no one except the A & P men at Staten Island during the entire period you lived there? A. I believe so.

Q. Now from Fort Lee, and after the baby was born where did you move? A. I think we went to my mother-in-law's house at Lynbrook and it was—I know the baby was six months old when we left Fort Lee—I believe that is right, and then went to Baltimore when the baby was nine months old. I don't quite remember this minute whether we were at mother's house all through that three-months' period I refer to. Probably we were. I don't know.

Q. Do I understand that you left Fort Lee when your daughter was about six months old? A. I think that is true. I am not entirely sure.

Q. And she was born, I think, on October 17, 1933?

A. That is right.

[1241] Q. So that in the spring of 1934 you went to

some other address and you think that was to your mother-in-law's at Lynbrook? A. I believe so.

Q. Well, have you any definite memory about it?

A. Well, I know that we were there for a while; whether we had another address in between the one at Lynbrook and Baltimore I cannot this minute recall.

Q. That is, you think there may have been some place you lived other than your mother-in-law's and Fort Lee that you have forgotten about? A. I don't think we did.

Q. I beg your pardon? A. I don't think we did. I think we lived at mother's during that period and then went from mother's to Baltimore.

Q. Then according to the association you say that you went to Baltimore when your daughter was about nine months old? A. That is right.

Q. That would be in early summer of 1934? A. About July I figured it would be.

Q. About July? A. About that.

Q. And that was to 903 St. Paul Street? A. Correct.

Q. In Baltimore? A. That is right.

Q. On what floor did you live? A. There were three floors and we lived on the top floor. We were the only tenants.

Q. On the first floor there were meeting rooms of the [1242] Y.W.C.A.? A. No, the W.C.T.U., Women's Christian Temperance Union.

Q. And then there was someone taking care of the place living on the second floor? A. On the second floor.

Q. What was her name? A. I was told her name was Bertha Tyson, but I have never remembered her name.

Q. When you say you were told her name was Bertha Tyson, you mean since the preparation of this case started, do you?

A. I mean Mr. Marbury furnished that name to me and I accepted it since I did not remember her name myself.

MR. MURPHY: Who is Mr. Marbury?

THE WITNESS: Mr. Marbury is a lawyer—

MR. CROSS: I think it has appeared that Mr. Marbury was counsel for Mr. Hiss and still is in the libel suit pending at Baltimore.

Q. Mr. Marbury was the attorney who asked questions with reference to your deposition? A. That is right, sir.

Q. And when you could not remember the name of who had charge of the W.C.T.U. where you lived on the third floor, Mr. Marbury asked whether or not it was not the name of the person that you have just mentioned, is that right?

A. That is right, sir.

Q. Now, Mrs. Chambers, how long did you live at 903 St. Paul Street? A. Approximately a year—not quite. We moved to 28th Street—

[1243] Q. No. Just associate it any way you like to yourself, but I just want your best memory. How long did you live at 903 St. Paul Street in Baltimore? A. We lived there until about May, I would say.

Q. Of 1935? A. The next year, 1935.

Q. From July 1934 until about May, sometime, 1935?

A. That is right, sir.

Q. And during all the time you were living there the person whose name you could not remember was living on the second floor? A. Well, yes. Yes.

Q. Did you pay rent there? A. We did. I think it was $35 a month—with heat.

Q. So this woman, whose name you now have given us, as having been suggested by Mr. Marbury, was she the one to whom you paid the rent? A. Yes.

Q. And as a matter of fact when you came in the front door you had to go up a stairs and on the second landing you passed right by the living room where this lady lived, didn't you? A. Well, no. It was closed to a certain extent. We shared the hallway, but her apartment was closed off. I did not have to walk through her apartment, you see.

Q. No, but any person passing her living room, if the door were open you could see right in? A. Well, if

you wished to, yes, I suppose. I don't think that was the living room door, though, just to be technical.

[1244] Q. Do you remember ever seeing her during that ten months? A. Oh yes. As a matter of fact, her nephew, who had come to live with her from England, gave my little baby girl a rag doll, just out of the kindness of his heart for Christmas time. They were quite fond of our baby. Yes, I knew them relatively well. I just can't remember that name. That is all. I can describe her if you like, and the nephew.

Q. I think you said you were living there under the name of Cantwell? A. Lloyd Cantwell.

Q. That you knew was a false name for your husband?

A. That is right.

Q. And what name did you go under? A. I think I had just Esther Cantwell.

Q. I beg your pardon? A. I think I was simply Esther Cantwell there. I used my own name.

Q. Do you have any memory definite enough so that you can say that you did go under the name for those ten months of Esther Cantwell? A. Esther Cantwell, that is right.

Q. And you knew the purpose of assuming that name was for deception? A. Correct.

Q. And you joined in that deception, as you had joined in the use of the name Mrs. Arthur Dwyer to deceive people?

A. That is right.

Q. (Continuing) As to your real identity? A. That is [1245] right.

Q. By the way, you said you were not a member of the Communist Party. Are you a believer— A. I was in sympathy with the Communist Party and in sympathy with my husband's work.

Q. And you were at the time you were married?

A. That is right.

Q. And you believed in the principles of Communism at that time? A. Well, I was in sympathy with it, let us say.

Q. How about your beliefs? Did you share their beliefs?

A. Well, I shared in an emotional way their beliefs, yes.

Q. Let me take specifically their attitude towards the Church. Did you share those beliefs? A. Yes, you are quite correct. I was an atheist at the time.

Q. You were an atheist? A. That is right.

Q. Now, did you share their views at that time and during the period of several years thereafter that you believed in the overthrow of the Government of the United States by any means whatsoever at the proper time?

A. I probably did.

Q. Well, don't you remember? A. No. I mean I was not actively involved. I was in entire sympathy with my husband's work and I helped him and was willing to do whatever was required of me to do.

[1246] Q. And that was up until the period you say "we" broke with the Party? A. That is correct. I mean "we". I was in entire sympathy with my husband.

Q. Now, did you have the names Lloyd Cantwell and Esther Cantwell during the entire ten months that you were at 903 St. Paul Street? A. Yes.

Q. Did they have doorbells at 903 St. Paul Street?

A. Yes.

Q. And you had that name "Lloyd Cantwell" on the doorbell for the third floor, didn't you? A. I think so.

Q. And then you had a mailbox inside that had the name "Lloyd Cantwell"? A. No. There was no mailbox.

Q. I will first show you this picture, Mrs. Chambers, and ask you if that is a fair representation of 903 St. Paul Street? A. I believe it is.

Q. During the period when you lived there? A. I think that is what it looked like.

MR. MURPHY: I have no objection.

(Marked Defendant's Exhibit AAA.)

[1247] Q. Defendant's Exhibit AAA is a picture of 903 St. Paul Street, Baltimore. The picture, Mrs. Cham-

bers, shows the bells to the right of the entrance to 903 St. Paul Street, does it not? A. Yes, it does.

MR. CROSS: Thank you.

Ladies and gentlemen of the jury, this is the picture that had been described as representing 903 St. Paul Street.

Q. So anyone coming there to ring your bell would see the name Lloyd Cantwell on your bell, would they not?

A. I don't remember that very well. I don't know whether that was true or not, sir. I think our name was on the bell. I may be confused with the Eutaw Place where we were also Lloyd Cantwell and where we did have our name on the bell, I believe, but this indicates only one bell, and I do remember, now that you checked me on that, that when the doorbell was rung that somebody from upstairs had to come down and answer the bell, and that would be either Mrs. Tyson, if that was her name, or her nephew, who could very well go up and down the stairs. I believe that is right.

Q. Do I understand now that you don't know, don't remember now one way or the other whether your name was on the bell at 903 St. Paul Street? A. I don't, no. It may have been Eutaw Place.

[1248] Q. Now let me ask you, Mrs. Chambers, if you were not asked this question and you did not give this answer on page 521 of your deposition on November 16, 1948:

"Q. How did they find you when they went to look for you at the W.C.T.U. building? Did they ask for Liza?"—Leeza you pronounce it? A. That is right.

Q. "A. In the first place, Mr. Hiss was brought there by my husband. In the second place, I believe our name was on the bell at all the places where we were, and Cantwell was on the bell, and he probably knew us by that name, if he looked at the bell tag."

Were you asked that question and did you give that answer? A. I was.

Q. Then you told his Honor and the jury about Mr. Hiss coming to your apartment at 903 St. Paul Street, and that at about a week thereafter Mr. and Mrs. Hiss came

to your apartment; have I stated that accurately, Mrs. Chambers?

A. That is correct.

Q. And at that time your name, according to your testimony in Baltimore—does that refresh your memory as to whether or not your name was on the door at 903?

A. I don't believe it was. As a matter of fact, when Mr. and Mrs. Hiss would come we would know approximately when they were coming, and I recall one instance, for instance, when we went—

[1249] Q. I am just asking you—please—my question is, do you now say that your name Lloyd Cantwell was not on the doorbell at 903 St. Paul Street? A. Well, perhaps it was not, I don't know.

Q. Beg your pardon? A. I don't know.

Q. Well, you thought it was on November 16, 1948?

A. I may have confused it with the Eutaw Place.

Q. It was at this meeting at St. Paul Street that you used the name for the first time, "Liza", is that correct? A. That is right.

Q. When Mr. Hiss came the first time, according to your testimony, how was he introduced by Mr. Chambers to you?

A. As Alger Hiss.

Q. And what did your husband call you, just "my wife"?

A. "My wife" I believe.

Q. And during that time were you referred to during the entire time Mr. Hiss was there by name? A. No. As a matter of fact, that was a very short—

Q. No, please. A. Excuse me.

Q. So at the first meeting when Mr. Hiss came there at 903 St. Paul Street you were introduced simply as "my wife" by Mr. Chambers? A. I believe so.

Q. And during the time Mr. Hiss never referred to you by name at all? A. No; it was a very short visit.

Q. And about a week later Mr. and Mrs. Hiss came, [1250] according to your testimony, and the name Liza was used, is that correct? A. That is right.

Q. And were you introduced to Mr. and Mrs. Hiss on that occasion as Liza? A. No, sir. That name was made up by the four of us as something to refer to me with. That name was made up by the four of us. I was called Liza from then on.

Q. I was going to ask you, how were you introduced to Mrs. Hiss? A. I don't know.

Q. Beg your pardon? A. I don't know. I too could be "my wife" you know.

Q. Beg your pardon? A. She could have been introduced to me also—my husband could have introduced me as "my wife".

Q. No, I just want to know. If you don't remember, say so. A. I don't remember, no.

Q. Now, you say that the four of you made up the name Liza? A. That is right.

Q. On that visit? A. On that visit.

Q. And you did not invent the name yourself, Liza, on the spur of the moment? A. Well, it was invented on the spur of the moment by all of us.

Q. Well, was it invented by you, Madam? A. By me myself? No, I don't think so.

Q. Were you asked this question in your Baltimore deposition on November 16, 1948:

[1251] "Q. Now, on the second occasion you say you think you were introduced to him as Liza?"

MR. MURPHY: What page?

MR. CROSS: 520.

Q. (Continuing) "A. That is right. As a matter of fact, that name was invented on the spur of the moment. They had to refer to me, both Mr. and Mrs. Alger Hiss, if they were coming to our house, they had to refer to me in some manner, and they came to use—they had to refer to me in some form, so I became Liza. And it is by that name that they always spoke to me."

Were you asked that question and did you give that answer? A. I did.

Q. Were you ever known by the Hisses by the name of Esther? A. No, sir.

Q. Did the Hisses to your knowledge ever know your real names? A. I think not.

Q. You were asked at the same time:

"Q. They never knew you by the name of Esther? A. No.

"Q. They never knew that your name was Esther? A. I believe not. They never knew us by either of our real names."

Were you asked those questions and did you give those answers? A. Yes.

[1252] MR. MURPHY: What page was that?

MR. CROSS: 521.

Q. Now, at Smithtown it was the Boucot cottage, wasn't it? A. That is right.

Q. At that time you went under the name of Breen?

A. Right.

Q. And you took the name Esther Breen? A. No. Edna, E-d-n-a.

Q. Edna? A. Yes.

Q. And your daughter Ursula? A. Ursula.

Q. And your son— A. I had no son yet.

Q. At a later time when the son came— A. Patrick.

Q. —one of the first things you did was to give him the false name of Patrick Breen? A. That is right.

Q. And that was all for deception? A. Right.

Q. And the purpose of giving your daughter the name Ursula Breen was for deception? A. That is right.

Q. When you left 903 St. Paul Street in May of 1935, where did you go first? A. We went to the 28th Street—where did we go first? We went to the P Street house, I did, and waited there for the key for some five hours, as I told Mr. Murphy this morning, and then went to the 28th Street place—

Q. Well, I don't want to go over what Mr. Murphy has covered. I just want to know whether it is your testimony, [1253] Madam, that you went from 903 St. Paul Street in Baltimore to either the 29th Street or the P Street house or the 28th Street apartment. A. We went to the P Street house for some five hours to wait for the key and then went on—

Q. And your memory now is— A. My memory has always been, sir, I believe, we went to the P Street house for a number of hours and then on to the 28th Street place.

Q. Did you at one time testify that from 903 St. Paul Street you went to Lynbrook, New York, and stayed for a while? A. I think when I was first trying to recall all of these things that I was slightly confused, as is natural, and did mention Lynbrook because Lynbrook was always a haven to which I could go at various points.

Q. Were you asked these questions at page 512 on November 16th:

"Q. Now, you say you next went to Lynbrook from Baltimore, you moved to Lynbrook? A. Yes.

"Q. Yourself and your husband and the baby. Did you have a car at that time? A. No.

"Q. How did you move to Lynbrook? A. I think Whittaker went ahead, and I came up on the train with the baby.

"Q. Well, how did you move your belongings?

A. I think we left them there for the most part, except what I could take along. We did not have very much. And I recall there was a dresser and a studio couch [1254] and several other odds and ends that we just left with the so-called landlord, whoever was in charge of the W.C.T.U. at the time, the building, and that was—

"Q. Well, you must have had something for the baby, didn't you? A. Yes. There was a crib. I am sure we took that. And there was probably other equipment. I know I took with me what I could hold and take the baby. I don't know how the rest of it got there right this minute.

"Q. But you did move to Long Island? A. I think so. We sort of disagree about that, I think, my husband and I. I believe we did go there. But perhaps events will clear me up a little bit."

Now, you were asked those questions and gave those answers, were you not? A. Yes.

Q. Now, before you appeared to testify on November 16, 1948, you prepared a list of the various places that you and your husband had resided at for different periods of time, did you not?

A. At the request of Mr. Marbury we did prepare the morning that we drove down from the farm to the deposition, the morning I drove down with my husband, a list that we could—well, that we tried to remember and which we compared, and that list is what I consulted and gave a copy of to Mr. Marbury.

[1255] Q. Now, did you and your husband prepare that before you ever testified? A. Before I testified?

Q. Yes. A. I believe he had already had a day or so of deposition, and then it was my turn to go down, and we worked on this together.

Q. Now, my point is, when you first appeared as a witness and were sworn you had a list of the various places where you had resided that you and your husband had worked on together and tried to arrange, didn't you?

A. Well, somewhat, yes. To the best of our recollection at the time, yes.

Q. And you talked it over with your husband as to each of these places? A. Just on the way down from Westminster to Baltimore, in the car, we just made up this list.

Q. Please, Madam, I have not asked the question.

A. I am sorry, excuse me.

Q. You mean that on your way down in your automobile from your farm, from your Westminster farm, you or your husband prepared this list and made a copy of it?

A. I made two copies of it. One was a little longer because it included the various places after 1938 and—

Q. My question was, did you make this copy, the original and a copy? A. I did, sir.

Q. In the car? A. In the car, yes, just comparing [1256] notes as we went along. We were not at all sure that this was the truth, that this was the real sequence, and we had question marks after various ones, but that was the best of our ability at the time.

Q. And you had done nothing on that list, for the preparation of that list, before you left the Westminster farm, but all of the writing on that slip of paper, or on those two slips of paper giving the addresses where you

had lived as you and your husband thought when you could agree, you wrote in the car?

A. I am not sure that it was altogether in the car. I might have started that list myself as I was dressing, but we compared it as we went down, and I rewrote a list planning to give it to Mr. Marbury at his request.

Q. Do you have that list with you? A. I have a list with me, yes.

Q. Is that the one you prepared? A. I believe I have never done anything more to it. I believe it is exactly as I have it.

Q. May I have it? A. I will be glad, if I have it. I am not sure I have it, but I think I have.

THE COURT: Well, it is one o'clock, so I think we will take a recess until a quarter past two; and in the meantime, Mrs. Chambers, you can look for the list.

THE WITNESS: Thank you very much.

(Recess to 2:15 p. m.)

[1257] Afternoon Session

ESTHER CHAMBERS, resumed the stand.

Cross Examination continued by Mr. Cross:

Q. Mrs. Chambers, you have testified to several incidents here which you never testified to before, either in your Baltimore deposition or at the first trial, have you not? A. I believe so. Just what are you referring to, sir?

Q. Do you recall any first-time testimony before his Honor and this jury that you have not testified to before when your deposition was taken or at the first trial?

A. You mean any new testimony today?

Q. Yes. A. Yes, I think I told a couple of incidents. That one at the Volta Place where the discussion was about the formal clothes of a man in Alger Hiss's position, and there was another—I can't remember at this minute what you are referring to.

Q. Well, I am referring to any incidents that you have testified to in direct that you have never told about before.

Now you can only recall the one incident, the one incident that you say that there was some discussion about the formal clothes? A. There was one, I believe, but where it comes in I have forgotten—well, I can't remember this minute. Perhaps you can remind me. I will fill it out for you.

Q. Let's see. In your Baltimore deposition you [1258] testified you stayed at the 28th Street house until the end of June, didn't you? A. In the 28th Street house?

Q. 28th Street apartment. You testified in your Baltimore deposition that you stayed there until the end of June? A. I don't know. No, I don't know.

Q. Well, let me ask you if these questions were asked and these answers given on page 562 on November 16, 1948:

"Q. This move was you think the end of June of 1935, is that right?"

They had just been referring to—perhaps we better start back:

"Q. And what? I did not catch that. A. I say between the 28th Street place that was theirs, in their name, and any future address that we might establish which makes me think—

"Q. This move was, you think, in the end of June of 1935, is that right? A. Well, I think so, yes.

"Q. And Mrs. Hiss drove you up? A. No. Drove the things up. Q. I mean drove your things up? A. That is right."

Were you asked those questions and did you give those answers last November?

A. Yes, that is right.

Q. And today for the first time you have testified before his Honor and the jury about being at the West 4th Street— A. Oh yes, I recall now.

[1259] Q. Now, please, let me finish. —about being at the West 4th Street house and about poring over some map?

A. Yes.

Q. And about your husband and Mr. and Mrs. Hiss driving up to Long Eddy? A. Long Eddy, yes.

Q. You testified this morning in direct for the first time to that incident? A. That is right. I didn't remember that before. That is right.

Q. And that you now say would be about the middle of June 1935? A. Yes. I think I always thought that I was at Dr. Meyer Schapiro's house for the month of June—in the month of June—and I would say that that was somewhere in the middle of June.

Q. Well, at any rate the poring over the map and the trip is new? A. Yes. There is a new recollection, yes. I will probably keep on recollecting for the rest of my days—too late perhaps for this trial.

Q. Well, we can only deal, Mrs. Chambers, with that while you are here, but I will try to be to the point and if you will just answer the questions we will move on faster.

Now, you also remembered for the first time a second visit to Volta Place, this occasion where you recall Mrs. Hiss at 4 o'clock in the afternoon using her left hand to switch on a light— A. Yes, that is right.

Q. —and about the formal clothes discussion?

[1260] A. That is right.

Q. That is new? A. Yes. That was my first—I have as a matter of fact remembered that but have never brought it up because it was never very clear in my mind, and I still want you to understand that I cannot remember what the occasion was and therefore have not felt it was wise to bring it in.

Q. My only question, Mrs. Chambers, is, you have testified to it here for the first time? A. That is right.

Q. Now one or two others: You mentioned in your direct testimony that you drew a portrait of Mrs. Hiss when you were living in Smithtown and you were not sure whether you gave it to her or whether you returned it and that you had looked for it but could not find it, is that your testimony?

A. Well, it was not a drawing. It was probably an oil sketch.

Q. That you have testified to for the first time?

A. No, I don't believe so, sir. I think I had said that

before sometime, either at the last trial or at the deposition.

Q. Your memory is that you did at sometime? A. I have mentioned it before.

Q. Now, at Smithtown, this morning you could not remember under what name you lived? A. No. I do remember now. It was Breen. It was the first time we had used the name [1260a] Breen.

Q. When you testified on direct you could not be sure whether it was Cantwell or Breen? A. That is right. I got a little confused with those various names.

Q. You mean false names you people have used?

A. That is right, our false names.

[1261] Q. Now how about the reference that you made when Mr. Murphy asked you what you called Mr. Hiss, and you said "Hilly"? A. Yes, Hilly is what we called Mr. Hiss.

Q. No, what you called him. A. I called him.

Q. You testified to his Honor— A. Yes, my baby actually called Mr. Hiss "Hilly."

Q. And that is the first time you have ever testified to that? A. No, I don't believe so, sir. I believe I have testified that that was the name that we called Mr. Hiss at all times.

Q. When is it your memory that you testified to that?

A. I think I gave that in my Baltimore deposition and also in the first trial.

Q. Well, whether you did or did not your memory is very distinct that you always referred to Mr. Hiss as Hilly?

A. Yes.

Q. Now this morning you told us that Mr. Marbury asked you to prepare or asked Mr. Chambers to prepare some list, and that that was when Mr. Chambers was on the stand, I take it, and that when you took the stand for the first time you had this list which you prepared, as you said, on the way up in the car, and then you thought you might have started while you were dressing, do you recall that?

A. I didn't get the last part of your question, sir.

Q. That you later said that you may have started to [1262] prepare the list while you were dressing. A. Yes, some time as I was preparing to go to Baltimore, and I think I finished it—I know I finished it in the car.

Q. Now, let me ask you if these questions were asked you with reference to that list on November 16, 1948, by Mr. Marbury:

"What is that memorandum you are reading from, may I ask?"

MR. MURPHY: Page please?

MR. CROSS: 541, I am sorry.

Q. (Continuing) "A. It is, to the best of both of our recollections, the chronological order of the places we moved to in our names. Knowing that you were interested in that I could not offhand just pick out of my memory any date, just as I am finding difficulty now, so I am just looking at that to refresh my memory.

"Q. Well, this is a paper which you and your husband prepared in which you have listed, as far as you can recollect, the places where you lived, the times that you lived there, and the names under which you lived, is that correct? A. Yes, more or less.

"Q. Well, what is there less about it? A. Well, you put it so specific and so very firmly. It is the best of our recollection, and we just joined our remembrances on those things and put them down. In some [1263] cases we have question marks where we may have questioned it, and in other cases where I may have questioned it.

"Q. May I see those papers for a moment? A. Yes indeed. It is a bit of a mess."

Were you asked those questions and did you give those answers? A. Yes.

Q. Now, have you got one of the lists that you prepared at that time? A. I have; and Mr. Marbury has the other. He took it from me at the deposition.

Q. But you have one of the two copies? A. I have, sir, and this is it (indicating).

Q. Now, may I see it? A. Yes (handing). It has a small slip there too.

Q. Is that something you want to remove? A. No, that is a continuation of it. There wasn't enough room on that one sheet.

MR. CROSS: May we clip this together, Mr. Murphy? I think we better have it stapled together if there is no objection.

MR. MURPHY: No.

THE WITNESS: Mr. Cross, I think you will find on the back of it is the address of our lawyer in Baltimore, Mr. Richard Cleveland, and a telephone number which I believe is Harold Medina's.

Q. Beg your pardon? A. I say there are two notations [1264] on the back there.

Q. Do you want to erase those? A. Not at all; I am just explaining to you so you will know what they are.

MR. CROSS: I offer that as Defendant's Exhibit BBB.

(Marked Defendant's Exhibit BBB.)

Q. Now Mrs. Chambers, this paper which is the extension of the part which you gave me and said that was the runover, stapled together, has in one column the names, is that right? A. That is right, sir.

Q. And then in the next column the location of the address? A. Yes.

Q. And then in the third column the date?

A. That is right.

Q. The first is "Chambers, Glen Gardner, New Jersey, 1932." Do I understand that this list was made by you before you were asked any questions by Mr. Marbury?

A. Yes, before they took my deposition, in the morning that is.

Q. Then in the second, in the column for names it is—and I will put it in front of you so you can check—the second is "Dwyer, Princess Bay, Staten Island, 1933": and then next "Chambers, Lynbrook, Long Island, 1933; Chambers, Fort Lee, New Jersey, 1933"; and then "Chambers, Lynbrook, Long Island, 1933."

[1265] You were trying to get not only the name of the place where you had resided but also the name under

which you resided and the date? A. That is what Mr. Marbury wanted.

Q. Well, this was something you prepared, Madam, to take to the deposition before you were ever asked any questions, was it not? A. This—

Q. Now please. This was something that you prepared before you were ever asked any question by Mr. Marbury?

A. At the request of Mr. Marbury.

Q. I say, you had not been interrogated at all before you prepared this, had you? A. No.

Q. Then the next is "Cantwell, St. Paul Street, Baltimore"; "above W.C.T.U., 1934"; and then the next after that is a name that has been written over. Can you tell me what the name was before it was written over?

A. Chambers, Lynbrook, Long Island—

Q. No. Was there some change or is that Chambers originally? A. No, I think that was Chambers.

Q. "Lynbrook, Long Island, 1935." A. With a question mark beside it.

Q. With a question mark? A. Yes.

Q. And then right underneath "Chambers" you have got a question mark "28th Street apartment, Washington, D. C., about six weeks, 1935"; that is the next entry, isn't it?

[1266] A. Yes.

Q. The question mark at the time was to indicate that you did not know what name you and Mr. Chambers lived under at the 28th Street apartment? A. That is right.

Q. Then next "Probably Chambers, house on West 4th Street, New York, 1935"; and the next is "Cantwell, house on Delaware, Boucot"? A. No, I crossed that off and put "Breen" there.

Q. Originally you put "Cantwell, house on Delaware, Boucot, 1935"; and then you crossed out "Cantwell" and at a subsequent time you wrote above it the name "Breen"; is that right? A. Well, this was about the same time. I wrote it and then crossed it out and put "Breen" over it.

Q. That is a different color ink, isn't it, "Breen"?

A. It is my pen.

Q. That is a different colored ink— A. Is it?

Q. The word "Cantwell" and "Breen", is it not?

A. "Cantwell" is crossed out and "Breen" is put above it, which corrects my previous recollection.

Q. And then underneath "Cantwell" you have a question mark, "P Street, Washington, D.C."; and then in parentheses "Hiss about three days, 1935"; and then in parentheses "September question mark end of September"; is that right? A. Yes.

[1267] Q. The next is "Cantwell, Eutaw Place, below McMechen Street", and you have here "1936" and then subsequently is written in "June" in pencil, is that right? A. Yes.

Q. And then the number " '36" you have written over " '35"? A. I think it was from October 1935 to about June 1936.

Q. So we can now place, according to your testimony, your time of residence at Eutaw Place as from about October 1935 until June 1936? A. Yes, I think that would be—no, wait a minute. I think that was about either the beginning or the middle of September rather than October.

Q. Middle of September 1935 until about June—

A. My recollection is that I was at the Boucot cottage until after Labor Day, stayed over five days at the P Street house and then went on—

THE COURT: Mrs. Chambers, do you think you could speak a little louder? I am not sure that all the jury can hear.

THE WITNESS: I am very sorry. My recollection—shall I repeat?

MR. CROSS: Yes, please.

A. (Continuing) My recollection is that we left the Boucot house on the Delaware after Labor Day, went [1268] to P Street house for our stay of five days, three to five days, and went to Eutaw Place after that, which would bring it somewhere in the beginning or middle of September rather than October, as I have it here. This

was simply, Mr. Cross, a recollection after 14 years of trying not to remember any of this. And so it is rather—

Q. Well, I am just going through these entries so we make sure what they are before I show that to the jury. That is my only purpose, Mrs. Chambers. But on your P Street house you have a question mark for the name that you lived under. A. That is right.

Q. And you have about three days. A. About from three to five is my recollection.

Q. My point is you have about three days.

A. That is right, three to five is my recollection.

Q. The next entry is "Chambers, Lynbrook, 1936." A. Yes.

Q. And then "Breen, farm near Ferndale, Pennsylvania, 1936"? A. That is right. That is Maxim Lieber's farm.

Q. Next is "Breen, New Hope, Pennsylvania, 1936"; is that right? A. That is right.

Q. The next is "Chambers, Auchentoroly Terrace, Baltimore, 1937"? A. That is right.

Q. And then "Chambers, Mount Royal Terrace, 1938"?

[1269] A. That is right.

Q. "Chambers, Old Court Road, Buck"? A. Yes.

Q. What does "Buck" mean? Is that the lady who owned it? A. The landlord's name was Frank Buck.

Q. And then on the back, on this slip that you say is a continuation, you don't have anything in the column for name; I take it it was Chambers then? A. Yes.

Q. "Florida, Daytona Beach, one month"? A. Yes.

Q. Then "Old Court Road"? A. Back again.

Q. Next was "House on St. Paul Street"? A. That is right.

Q. And then "Lynbrook, 1939"? A. That is right.

Q. And then "Florida, New Smyrna Beach"?

A. That is right.

MR. CROSS: Ladies and gentlemen, this is the list that has been referred to (handing to jury).

Q. Mrs. Chambers, at any time did the Hisses ever know either you or Mr. Chambers by a last name?

A. Not to my knowledge. By a last name? Did you mean our own last name or any last name? I didn't quite get the question.

[1270] Q. Well, I will put it both ways. A. By our own?

Q. Let me separate it so the record will be clear: Since you raised a question, which is perfectly proper, during the time that you knew Mr. and Mrs. Hiss did they ever know either you or, to your knowledge, Mr. Chambers, by your true name, Chambers? A. Not to my knowledge.

Q. Did they ever know you, and to your knowledge, Mr. Chambers, by the name of Arthur Dwyer? A. Oh no. We did not know them. That was before we ever knew them.

Q. Well, you used Cantwell twice, didn't you? A. Yes, I know, but we used Arthur Dwyer only at one period and that was in 1932, was it not—somewhere along in there. We did not know the Hisses then.

Q. Did they ever know you by the name of Lloyd Cantwell?

A. Well, I don't know. They might have.

Q. To your knowledge? Was it ever called to your attention that either Mr. or Mrs. Hiss knew that you were using the false name of Cantwell? A. I can't specifically say; no.

Q. How about David Breen? A. Yes, I think they knew that but—yes, I am sure they knew that, yes.

Q. Your testimony is that both Mr. and Mrs. Hiss knew that you and Mr. Chambers were using the false name of David Breen? A. I am quite sure they did. May I tell you what makes me so certain? May I?

[1271] Q. I have not asked anything more than whether they did know, and that you are certain about? A. I am quite certain.

Q. Did they know you by any other name that you used other than Chambers and those I have mentioned? A. No. There were times when we were introduced to other folks and they did invent, at the spur of the moment, a name which was not necessarily one that we carried

on. I mean, it was just for the moment, and then there was a name that we used at the 28th Street place, and what is that name? What that name was I do not know, but that name of course they knew. As a matter of fact, it was they who gave us that name for that particular address.

Q. When you went down and waited five hours for the key, did they give it to you then? A. No.

Q. When did they suggest that you use this name that you have now forgotten at 28th Street? A. It came along with the apartment. I don't know just when in the course of events that was given to me.

Q. Will you tell his Honor and the jury who was present and the circumstances and what was said when they suggested this name you don't now remember? A. Oh, I cannot recall, sir.

Q. It was not when you went down for the key? A. No, indeed. When I went down for the key—

Q. That is all I asked. A. I don't really know, sir, [1272] when that name came in, just at which moment it came in, but it was one the Hisses gave us.

Q. Do you think it was after you moved into the 28th Street apartment? A. Well, it could not—

Q. I beg your pardon? A. I don't know, sir, just at which point it came in.

Q. When they suggested the name for you did they suggest a first name, too? A. Well, no doubt. No doubt, I say.

Q. I am asking for any memory. A. I have not any memory on that. I am awfully sorry.

Q. Or any memory as to the last name other than there was one? A. No.

Q. And did they call you by this name at 28th Street, the one that they gave you? A. In the presence of other people; at other times I was Liza.

Q. At the first trial were you asked in direct examination these questions and did you give these answers:

"Q. Excuse me, Mrs. Chambers. Now, what name did Mr. and Mrs. Hiss call you and your husband during the times that you have described?"

And you had been describing a period beginning in 1934.

"A. I was called Liza.

"Q. I beg your pardon? A. And my husband Carl.

"Q. I am sorry; I did not hear what they called you?

"A. Liza, and my husband Carl.

[1273] "The Court: What was the last name by which you were known?

"The Witness: We never had a last name to them.

"Q. Did they ever call you by a last name?

"The Court: I don't quite understand that answer, Mrs. Chambers. You say, 'We never had a last name to them.'?

"The Witness: No. They always called us by the names either Carl or Liza."

Were you asked those questions and did you give those answers at the first trial? A. Yes.

Q. Going to the 28th Street apartment—

MR. CROSS: May I have Government's Exhibit 8, please?

(Handed.)

Q. Mrs. Chambers, I show you four pictures of 2831 28th Street. That was the number where you occupied the apartment for sometime? A. I presume so. I don't remember it.

Q. Where was your apartment? What floor? A. Third, I believe.

Q. Whereabouts? The front or the rear? A. The rear.

Q. And you are sure it was on the third floor?

A. I think so.

Q. Is this the side view that would show the windows of the four floors? A. It looks familiar.

Q. And your testimony is that your apartment was on the [1274] third floor towards the rear? A. Well, no, I think it was the top, whatever that was.

THE COURT: Mrs. Chambers, if you could speak a little louder I think we would all appreciate it.

THE WITNESS: I am sorry. It was the top floor, so it was four floors up.

Q. As a matter of fact, I laid in front of you Exhibit 8-A when I asked you to indicate where you were living in the 28th Street apartment. There is an arrow drawn in ink to the rear of the building indicating the fourth floor, is there not?

A. Yes.

Q. And when you saw that you changed and said it was not the third but the fourth floor? A. Well, I thought I must be mistaken.

MR. CROSS: This is the picture with the arrow that has just been shown the witness (exhibiting to jury).

Q. Now, did you use this name that the Hisses gave you that you don't remember on your mailbox at 28th Street?

A. No, we did not.

Q. Or on the bell? A. No, we did not.

Q. Did you get any mail there for the six weeks?

A. No.

Q. Your baby was then almost two years old? A. About a year and a half or two.

Q. Well, born October 17, 1933, and this was May and June [1275] of 1935? A. Yes.

Q. Did you have a baby carriage? A. Yes, a little go-cart.

Q. Where did you keep the baby carriage? A. I don't recall. It was downstairs. Underneath the stair, I believe. I don't quite remember. Yes, I think that was where it was. I am not sure.

Q. As you come in the entrance of the 28th Street apartment there are pillars right in the middle of the entrance, are there not? A. I don't know. It was a very inconspicuous apartment house.

Q. Baby carriages are, with the permission of the landlady, kept in the hallway downstairs, are they not?

A. I imagine.

Q. Did you ever see the lady who managed the 28th Street apartment, Mrs. Jeffries? A. No, I never did.

Q. You did not know that she lived in Apartment 14 directly opposite the front door on the first floor?

A. If I did it made no impression. I mean, I don't remember.

Q. Do you remember making any arrangement to have your baby carriage left downstairs? A. No.

Q. Did you ever meet any of the tenants living at the 28th Street apartment? A. No. I don't remember.

Q. Did you ever speak to any of them? A. I don't [1276] believe so.

Q. There are four floors and there are four apartments on each floor there, are there not? A. Yes.

Q. None of the other tenants did you ever see that you recall? A. I don't remember seeing any.

Q. Now, you said that you had a maid while you were there? A. Named Julia.

Q. And her name was Julia? A. Right.

Q. What was her last name? A. I can't remember that. I think it was Rankin, but I am not sure of it.

Q. Do you know where she lived? A. I know approximately where she lived. She lived on Florida Avenue, and Florida Avenue at the place where she lived has a curve in the avenue, and she lived somewhere in that curve. I don't know the address. I don't believe I ever visited her there or called for her there. I just remember somebody pointing it out to me as the place where Julia lived. That is all I know about it.

Q. Have you ever seen her since you left Washington?

A. Never.

Q. I think your testimony on direct was that Mr. Hiss went up to 903 St. Paul Street and got your baby's things and drove them down to Washington? A. That is right.

Q. You and Mr. Chambers—was Mrs. Hiss with you?

A. No, I do not believe so.

[1277] Q. Did you and Mr. Chambers and your baby go along?

A. No, we did not. No, this was a separate trip of Mr. Hiss's.

Q. My question simply was did you go with Mr. Chambers or the baby? A. No.

Q. How did you go down? A. Well, I don't know. I don't know whether I went to Lynbrook first and then came up by train or whether I went direct to Washington. I can't remember that.

Q. Now on Exhibit BBB after "St. Paul Street" you have "Chambers. Lynbrook, Long Island, 1935" and then the question mark? A. Yes. There still is a question mark.

Q. When you went up to Lynbrook you took your baby's things with you? A. No. Alger Hiss took the things over.

Q. I say, when you went to Lynbrook to spend some time with Mr. Chambers' mother, did you take your baby's things with you? A. No, I did not have to. Mother had a crib there for us.

Q. Was it while you were in Lynbrook that Mr. Hiss came over with those things or before you went up to Lynbrook? A. As I recall it, Mr. Hiss came and parked his car not so far away from the 903 St. Paul Street address and took the things and put them in the car after dark.

Q. My question was, Mrs. Chambers, if you will just follow me, was it before you went to Lynbrook that Mr. Hiss [1278] came to get the things? A. Well, if you remember that I am not at all sure that I went to Lynbrook. I will answer that: I don't know whether I was present to see the actual performance of bringing things down into the car. I know that he did that.

Q. Now, you have testified to something here that you say you are not now sure that you were present when they were taken, is that a correct statement? A. Let me see first. (After pause) I am not sure about that.

Q. On November 16, 1948 did you testify in your Baltimore deposition that you next went from St. Paul Street to Lynbrook and that you took your baby's things with you?

A. I am sorry. My mind had wandered then and I did not quite get that question.

Q. Did you testify in your Baltimore deposition that you went from 903 St. Paul Street to Lynbrook and took your baby's things with you? A. I may have, but that was an error, and if I said that it was in reference to the immediate baby's things. I mean I did not carry the crib or bassinet or anything like that. That went in the Ford.

Q. I will read you questions and answers from page 512:

"Q. Now you say you next went to Lynbrook from Baltimore. You moved to Lynbrook? A. Yes.

"Q. Yourself, your husband and the baby. Did you have a car at that time? A. No."

[1279] Were you asked those questions and did you give those answers? A. I did.

Q. And then continuing, without omission, to read:

"Q. How did you move to Lynbrook? A. I think Whittaker went ahead and I came up on the train with the baby.

"Q. Well, how did you move your belongings? A. I think we left them there, for the most part, except what I could take along. We did not have very much and I recall there was a dresser and a studio couch and several other odds and ends we just left with the so-called landlord, whoever was in charge of the W.C.T.U. at the time in the building, and that was—

"Q. You must have had something for the baby, didn't you? A. Yes. There was a crib. I am sure we took that, and there was probably other equipment. I know I took with me what I could hold and take the baby. I don't know how the rest of it got there right this minute.

"Q. But you did move to Long Island? A. I think so. We sort of disagree about that, I think, my husband and I. I believe we did go there but perhaps events will clear me up a little bit.

"Q. All right, now, you were in Lynbrook how long, do you think? A. Not very long at Lynbrook."

Were you asked those questions and did you give those answers? A. Yes.

[1280] Q. At that time when you said, "We are in disagreement," that you and your husband were in dis-

agreement in your discussion of this list, was it not? A. Yes, I think it did refer to that. It referred to the question mark as I have it on there.

Q. Were you asked some question in connection with that Baltimore deposition with reference to the 28th Street apartment in which you referred to your occupancy as a sub-lease and then in the same answer changed your answer. Do you recall that? A. Yes, I believe I remember something of the sort.

Q. Let me see if I can get it. After you had referred to going to 28th Street:

"Q. You don't recall ever seeing them and you have absolutely no recollection of what name you used? A. No, I don't.

"Q. And you say— A. And furthermore I cannot recall that we had our name on the bell there in that place. You see, the apartment was already in the Hisses' name and there was not any need for our name on the bell. We were just there for a short sub-lease and I cannot recall that there was any name on the bell. I said 'sub-lease' but actually we did not sub-lease the place at all.

"Q. Now, you were there for eight weeks and you say you saw Mrs. Hiss once? A. Six or eight weeks.

[1281] "Q. Saw Mrs. Hiss once? Who else did you see there?

"A. Who else did I see?

"Q. Yes. A. It would be perhaps more to the point to ask me where I did go and what did I do and I can tell you that I saw nobody of any consequence to me. I traded with some little store close by and spent most of my time at the zoo with the baby, the Smithsonian Zoo there, in that Connecticut Avenue park. I thought it was very lovely and we spent most of our time doing that.

"Q. And you have no recollection of meeting anyone whose name you remember during that entire period? A. Surely nobody outside of the Hisses that I recall."

Were you asked those questions and did you give those answers? A. I did.

Q. I want to ask, Mrs. Chambers, about your testimony given in direct about some party that you say was

had at your Mount Royal Street address when the Hisses were present. Do you recall what you testified to on direct on that?

A. Mount Royal Terrace?

Q. Yes. A. You refer to the wedding anniversary?

Q. Well, whatever it was. Was there more than one occasion when the Hisses came to Mount Royal Terrace while you were living there? A. There must have been. I don't remember.

Q. Do you remember more than one? A. At Mount Royal [1282] Terrace? I don't at this minute remember.

Q. What name were you using at Mount Royal Terrace?

A. Chambers.

Q. And your name was on the bell? A. Yes.

Q. Was there more than one family living at Mount Royal Terrace? A. In our house?

Q. Yes. A. We had rented the upper floor of our house to somebody, a Mrs. Nelson, who was the daughter of next door neighbor, for just a part of the time we were there.

Q. Do you remember Mrs. Nelson's first name? A. I am sorry, I do not.

Q. Well, how many stories did this house have?

A. Three.

Q. You say that you rented the upstairs. Would that be the third floor? A. The third floor.

Q. And you occupied what floor? A. The two lower floors.

Q. First and second? A. That is right.

Q. And used the same entrance? A. That is right.

Q. And they had to come right by your living room if they went upstairs? A. That is right.

Q. Let me show you this picture and ask you if that is a fair representation of the stairway at Mount Royal Terrace as it was when you lived there? A. It is in general correct. I guess it does not look like it did when we were there. It is the same general structure.

[1283] Q. It is in the same position, is it not? A. Yes.

Q. The stairway? A. Yes, I think that is right.

Q. Now, I show you another picture and ask you if you know what that is? A. No, I don't.

Q. Isn't that the living room on the second floor that the Nelsons would have to pass going up to the third floor? A. Oh, this is the hallway, is it not (indicating)? Yes, that might be the living room. It is furnished differently.

Q. And here is the living room showing the outside hall? A. Yes, and the dining room there. That is probably right, yes. It doesn't look quite the same.

(Mr. Cross hands pictures to Mr. Murphy.)

MR. MURPHY: I don't think the witness identified them. But if you tell me they are, that is all right.

Q. What changes do these represent than what was the situation when you lived there? A. Only wallpaper and—

Q. I mean, the location of the stairway and the location of the rooms as to doors would be the same?

A. Yes, I think so, yes. It just looks differently. It is furnished differently.

MR. CROSS: I offer those in evidence as Defendant's Exhibit CCC.

(Marked Defendant's Exhibits CCC, CCC-1 and [1284] CCC-2.)

MR. CROSS: Ladies and gentlemen of the jury, the first picture here shows the stairway in Mount Royal Terrace from the second floor to the third floor; the next two pictures show the living room and the hallway on the second floor.

Q. Who was living there with Mrs. Nelson?

A. Her husband and the two children. I think there was a colored maid that lived in too; I have a faint recollection of a maid.

Q. And if you were having people in the living room on the second floor and they came in, if the door was open they would, of course, be able to see who was there?

A. There was a sliding door between the living room and the hall.

Q. When the Hisses came did you always keep it closed? A. We undoubtedly took precautions.

Q. You kept it closed? A. I don't know that we did at that particular time, but there was a sliding door there.

Q. How long did you live there at Mount Royal Terrace?

A. About nine months.

Q. And you were living there over New Year's and Christmas, 1936 and 1937, were you not? A. Yes.

Q. And this party that you speak of took place some time around Christmas or New Year's, 1936-1937? A. It took [1285] place in the middle of December, 1937.

Q. Well, when you testified about it before you described it as an impromptu New Year's party, did you not?

A. No, as the wedding anniversary.

Q. As a wedding anniversary? A. Yes.

Q. And you have placed it as around Christmastime?

A. No, I have placed it last, I believe, at somewhere in the middle of December.

Q. In that Baltimore deposition you testified that the Hisses never came to the Baltimore address, didn't you? A. I don't know. Probably I didn't remember at the time.

Q. I am now referring to page 683:

"Q. (By Mr. Marbury) Now, while you were living at Mount Royal Terrace did you see anything of the Hisses during that period? A. I cannot remember a specific instance at this minute. It is rather vague in my mind at this minute.

"Q. Well now, that is when your daughter was at the Park School? A. I believe not. That was shortly before we broke with the Party. I don't remember any time this minute that I did see them at Mount Royal.

"Q. How about Mrs. Hiss? A. Either—I mean, I don't visualize it. It may come to me later on."

Were you asked those questions and did you give [1286] those answers? A. I did.

Q. Now, when you were living at the farm at Ferndale

did you ever see the Hisses? A. Not at Ferndale, I don't remember ever seeing the Hisses.

Q. How long did you live there? A. Oh, for a month or more, I don't think very long.

Q. You used what name? A. At Ferndale?

Q. Yes. A. We were with Maxim Lieber who knew us—

Q. No. What name did you use? A. Probably Chambers.

Q. Wasn't it Breen? A. It might have been Breen, but if it was Breen it was Breen to other people than to Mr. Lieber with whom we lived.

Q. I mean, your false name there was Breen, wasn't it? A. Perhaps, I don't know.

Q. As a matter of fact, you had a bank account, a joint bank account down there at the time, didn't you?

A. Not that I know of.

MR. CROSS: May I have those bank books?

Q. Beg your pardon? A. Not that I know of.

MR. CROSS: May I see the three bank accounts?

Q. Then you moved to New Hope, Pennsylvania?

A. That is right.

Q. How long did you live there at New Hope?

A. At New Hope we lived about 11 months.

Q. Under what name did you live? A. Breen.

[1287] Q. Did you see the Hisses during that time?

A. Yes. I recall one instance of Mrs. Hiss returning from some trip—Mr. and Mrs. Hiss returning from some trip with my husband and bringing me a little rocker, an antique Austin rocker from Westchester. They had bought it at a little shop which my husband later took me to.

Q. When you testified about these places for the first time and when you made that list up after you talked it over with your husband, did you testify that you never saw the Hisses, and that they never visited you either at Ferndale or at New Hope? A. I might have said that, I don't know.

Q. Well, let me ask you if you were asked these questions, at page 658:

"Q. And they never visited at Ferndale? A. I don't know. They never did.

"Q. Did they ever visit you at New Hope? A. No.

"Q. So that from the time you left Eutaw Place until you got back to Auchentoroly Terrace you did not see either of them? A. No."

Were you asked those questions and did you give those answers? A. That is right.

Q. And that was for a period of more than a year?

A. That I had not seen them?

Q. That period of your residence at Ferndale and at [1288] New Hope covered a period of at least a year, didn't it?

A. Yes, I should say.

Q. Beginning when and ending when? A. (No answer.)

Q. Would it help you if I gave you back the slip? A. I don't remember where we were. Just a minute, please.

Q. Take all the time you want. Would it help if I showed you this? A. Well, you might read it to me, if you don't mind.

Q. Well, I have read it, and the jury has seen it. I just want to know if that refreshes your memory to tell us when you left or when you first went to Ferndale—

A. Yes, I do remember now—

Q. —and when you left New Hope. A. We left Ferndale probably—

Q. No. When did you first go there? A. Ferndale?

Q. Yes. A. We left Eutaw Place, which was a place before that in April, I believe, the spring.

Q. Of what year? A. 1936, and went to—was that 1936?—and went to Ferndale for about a month; that also was in the spring, the early part of the summer, and went to New Hope after that, it must have been in July, because it was very shortly before my boy was born, and he was born in August.

Q. On your list you have nothing in between Ferndale and New Hope as a place of residence, have you, on the [1289] list there? A. I don't, no.

Q. The fact is that after moving from this farm near Ferndale that you say belonged to Mr. Maxim Lieber you went directly to New Hope, didn't you? A. Yes, I think so.

Q. And the period that you lived in Mr. Maxim Lieber's place and the time you spent at New Hope you would say covered at least a year? A. Yes.

Q. And that began about April of 1936, and would extend to about April of 1937? A. I guess so.

Q. Well, I mean I will give you all the time you want to correlate any events, so if there is anything you would like to refresh your memory on, I want to get it as clear as I can from your memory. A. I guess that is right.

Q. So that from about April 1936 to about April 1937 you were living first at Ferndale at Maxim Lieber's farm, and then at New Hope for a period of some 11 months, altogether about a year? A. Yes.

Q. And during that entire time you never saw the Hisses? A. Well, no, I said I did see the Hisses at the New Hope address.

Q. Well, when you testified in Baltimore you said that you did not see them? A. That is right, if you put it that way, that is true.

Q. Well, you have stated that you did see them once at New Hope. A. Yes, that I can recall specifically. The [1290] reason for that is that I remember the little chair, and I remember the incident of being given the little chair, presented the little chair.

Q. Now— A. Mr. Cross, may I say, these are not the only instances in which I have seen either Mr. Hiss or Mrs. Hiss. These are the instances which stand out in my memory because of some relation with some specific event. Now, I don't want to imply that these were the only times. These are the only ones that I can visualize.

Q. Anything else? A. The Hisses were family to us; they were friends, and I think—

Q. Well, I am simply trying to get, Mrs. Chambers, the times that you saw them, and if you want to make the statement that you have, why, that is perfectly all right. You say that these were the times that stood out in your

mind, but you think you may have seen them other times; is that a fair statement? A. That is right.

Q. Now, you spoke of a housewarming. A. Yes—at the Volta Place?

Q. And also this wedding celebration that you told us this morning took place at Mount Royal Place. A. Terrace.

Q. Terrace? A. Yes.

Q. You originally placed that at the 30th Street house? A. Yes. I was confused.

Q. Well, the first time you ever testified about it [1291] you said it took place at the 30th Street house, didn't you? A. Perhaps I did, I don't know.

Q. And you associated that with some champagne which made your husband sick? A. No. The port made my husband sick. The champagne made me sick.

Q. Well, they had both American made champagne and some port? A. Well, at different times.

Q. Well, I am talking about this occasion that you say your husband got sick. A. My husband got sick at what I thought was a New Year's party at 30th Street, and I remember that because he did get sick with the port. At the Mount Royal Terrace at the wedding anniversary at which they brought a small bottle of California champagne, it was I who got sick, and that is why those things stand out in my memory.

Q. Let us take one at a time. The time your husband got sick, that was at the 30th Street house?

A. That was at the 30th Street address as far as I recall.

Q. What month was it? A. Did you say the New Year's celebration?

Q. Well, it was a New Year's—I mean, it was really on New Year's Eve? A. Yes.

Q. So we have it New Year's Eve at the 30th Street house? A. That is right.

[1292] Q. And that stands out pretty vividly in your mind?

A. The incident does.

Q. As being at the 30th Street house? A. I think so.

Q. Did your husband get sick on the way home?

A. Immediately after we left the house, on the way to the car.

Q. And where were you living at that time?

A. I was living at Auchentoroly Terrace, I believe.

Q. Well, when you— A. Oh no. That must be an error. It was Christmas. We did not spend Christmas at Auchentoroly Terrace; we spent Christmas at Mount Royal Terrace—oh no. No, it must have been at New Hope. I can't remember a trip up there, but that is the way it seems to me.

MR. CROSS: If your Honor please—

A. (Continuing) The Auchentoroly Terrace, we were there just for a few months; at Mount Royal Terrace we were for 11 months—no, 9 months, approximately.

MR. CROSS: I don't know whether your Honor is going to give a short recess. If so, this is a convenient time.

THE COURT: I suppose you would like to have a recess?

MR. CROSS: Yes, your Honor.

THE COURT: All right, you may step down, [1293] Mrs. Chambers.

THE WITNESS: Thank you very much.

(Short recess.)

MR. CROSS: Shall I proceed, your Honor?

THE COURT: Please do, Mr. Cross.

BY MR. CROSS:

Q. Mrs. Chambers, I will stand back here, and if you will keep your voice up a little bit—I am afraid I have been at fault standing near you, and it is difficult to hear down here. A. All right, Mr. Cross.

Q. This may help refresh your memory, Mrs. Chambers. On November 17, 1948, were you asked these questions:

"Q. And you went to a wedding? A. Wedding anniversary.

"Q. —a wedding anniversary of theirs. Now, can you— A. We had champagne there, and it did not quite

agree with my husband, I just recall, and on the way home, why, he was quite ill.

"Q. And where were you living then? A. I don't exactly remember, but probably not St. Paul, because they were living at 28th Street, weren't they, then? You probably can check that better than I.

"Q. Well, I don't know. I am wondering—you were living in Baltimore at that time?

"A. We were living in Baltimore, yes.

[1294] "Q. And I just wondered where you were living. You remember your husband's illness. I thought perhaps that would help. A. I do remember his illness, but I don't quite remember where we went back to, which home we went back to. But you can probably check on Volta Place, whatever time they were at Volta Place, as the house that parallels that more or less."

MR. CROSS: That is at page 645, 646.

Q. (Continuing) Do you remember being asked those questions and giving those answers? A. Was that in the deposition?

Q. Beg your pardon? A. Was that in the deposition?

Q. Yes. A. Yes.

Q. Were you asked those questions and did you give those answers? A. Yes.

Q. Coming back to the party, the New Year's party at 30th Street, that was the time you say that they had some port, and was it you or Mr. Chambers who got sick?

A. On the port Mr. Chambers got sick.

Q. Beg your pardon? A. Mr. Chambers was ill with the port.

Q. And was that on the way home? A. Yes, that was before we got to our car.

Q. And where were you living then? A. Well, if it was in 1937 we were living in Auchentoroly Terrace, [1295] and if it was in 1936 we were living at New Hope, I should think.

Q. Well, I will ask you, was it a New Year's party for the year 1936, 1937? A. I think it was 1937, but I

wouldn't be certain about that. I know the event but I am not sure about the year.

Q. Well, when you say 1937 you mean 1937-1938, or do you mean 1936-1937? A. I mean 1937-1938—no, there we go again. 1936-1937, of course.

Q. 1936-1937? A. That is right.

Q. And that is your best memory after having thought about it a great deal? A. Well, yes.

Q. That it was the year 1936-1937? A. I believe so. Just the event stands out in my memory, not the year.

Q. And that it was at the 30th Street house?

A. Yes, that it was definitely at the 30th Street house, I believe.

Q. So that without being able to be sure of the year, you are sure that it was at the 30th Street house?

A. That is right.

Q. And that it was a New Year's party, that is, New Year's Eve? A. I believe so.

Q. Who was present? A. Just the four of us.

Q. Just the four of you? A. Yes.

Q. And you got there about what time? A. I don't know.

[1296] Q. Well, you stayed until you saw the New Year in?

A. Oh, probably. We left quite late, I just don't know what time we left.

Q. But now that I have referred to the 30th Street house you are certain of the house? A. I am rather certain of the house, yes.

Q. And you have rather a definite mental picture of leaving the house, getting in the car, and just about that time your husband got sick from the port? A. Yes.

Q. And where were you living then? A. Well, I have told you that I don't really remember the year. I remember the event but not the year, and, of course, the place of residence would vary with the year. It might have been Mount Royal—it could not have been Mount Royal Terrace; it must have been New Hope—I don't really know.

Q. Well, we are certain of one thing, and that is the Hisses were living at 30th Street? A. Yes.

Q. We are also certain of the people who were there: you, Mr. Chambers, Mr. and Mrs. Hiss? A. That is right.

Q. And if I should tell you that there is an exhibit here that shows that the Hisses moved to 30th Street about July 1, 1936, and moved to Volta Place on December 29, 1937, and that there was only one intervening New Year, that would help you in fixing the date as 1936-1937?

A. That would probably be the date then.

[1297] Q. I refer to Government's Exhibit 8 which shows—

MR. MURPHY: I think it has been renumbered.

MR. CROSS: I am sorry, Government's Exhibit 3.

Q. That shows 1245 30th Street, the record showing the power was connected on July 1, 1936, and disconnected on December 29, 1937. So that we now have it that this New Year's party that we have been talking about was at the 30th Street house, 1936-1937, you, Mr. Chambers, Mr. and Mrs. Hiss? A. That is right.

Q. Now let us see about the wedding party.

A. May I make one point there: they did not move to Volta Place until the end of December 1937.

Q. Well, I don't know just— A. Yes, that is right, of course. Yes.

Q. I have not asked the question yet. A. That is right.

Q. You testified about another time when the Hisses came to visit you which you described as a wedding party, did you not? A. Yes, wedding anniversary.

Q. Wedding anniversary? A. Yes.

Q. And you place that in the middle of December—what year? A. 1937.

Q. 1937? A. Yes.

Q. At what place were you living? A. It was at Mount Royal Terrace.

[1298] Q. And that was the occasion when you say they

brought some American-made champagne and your husband was ill?

A. I was ill.

Q. You were ill? A. Yes. I don't take liquor very well.

Q. When you testified in Baltimore you thought that that occasion took place at the Volta Place house?

A. I was confused.

Q. And that you or your husband got ill on the way home— A. Well—

Q. —and you didn't remember what home you were going to? A. That is right.

Q. Did you ever go to any wedding anniversary while the Hisses were living at the 28th Street apartment?

A. I never visited the Hisses at the 28th Street apartment.

Q. Let me ask you if you were asked these questions and gave these answers, page 643:

"Q. Now, in the 28th Street apartment, you have told us of the one occasion when Mrs. Hiss— A. May I interrupt here?

"Q. Yes. A. I have just remembered of an occasion when we went to celebrate their wedding anniversary, and this was at the place—I guess it does not come in here—at Volta Street—and probably this is at another period, [1299] and off of St. Paul Street. I will mention it again later, if you don't mind.

"Q. Go ahead, if it is in your mind now, because we may forget it. A. That is all.

"Q. You remember of one occasion you went to a celebration of their wedding anniversary? A. Yes, we had a celebration of their wedding anniversary at their house."

You never remember any so-called wedding anniversary except on the one occasion, do you? A. No, I had that sort of mixed up. That was a mistake of having the wedding anniversary at the other house. It was at our house.

Q. Well, when you testified about it last November you thought it took place at their house?

A. Well, I was just trying to remember and I remembered wrongly.

Q. Now, you place it at your Mount Royal Terrace?

A. I think that is true.

Q. And what time? A. The middle of December 1937.

Q. Middle of December? A. Yes.

Q. And who was present? A. We four. Mr. and Mrs. Hiss, and myself and—my husband and myself.

Q. And was your name on the door at Mount Royal Terrace? A. I don't know, probably, but I am not sure.

Q. On the mail box? A. It was just our own house, [1300] you know. It was a one-family house, and, I don't know, did we have a slot or something? I don't remember.

Q. You were living there under the name of Chambers?

A. That is right.

Q. Now, between New Hope, Pennsylvania, where you were living, as you say, until about April of 1937 from some time in about April 1936, you moved to what address? And would it help you if I returned to you—

A. From New Hope?

Q. Yes. A. We moved to Auchentoroly Terrace.

Q. You were living there under what name?

A. Chambers.

Q. Did they have doorbells there? A. That too was a house of our own, yes; I imagine there was a doorbell.

Q. Mail boxes with your name on it? A. No, I imagine that too had a slot, I don't recall that very well.

Q. Let me show you, Mrs. Chambers, three pictures and ask you if those three pictures fairly represent the front entrance of 3310 Auchentoroly Terrace when you lived there? A. We had the whole house there, and this shows three different bells, which would imply there were three apartments, and we had the entire house. There were no mail boxes such as that. We had the whole house.

Q. And you can't remember now whether you had your [1301] name on the door or not? A. I don't know.

Q. You were in the telephone book at that time?

A. Yes, I think we did have a telephone then.

Q. That is, the Baltimore Telephone Book? A. That is right.

Q. And you also were in the Baltimore Telephone Book under the name of Cantwell, were you not?

A. I don't recall that. Perhaps we were at Eutaw Place, or at St. Paul Street, I think there was a telephone down in the hall for the W. C. T. U., one of these pay stations, I believe, and we used that if ever.

Q. And when you were living either at Ferndale or Mount Hope— A. New Hope.

Q. —New Hope, do you recall a joint bank account?

A. What was that place called? It begins with an L. I can't remember what town it is. I think we did have an account there, I am not sure. I had some sort of relationship there. Lansbury? I don't know what the name of that town was, whether we had a bank account there, or whether we simply cashed checks, I don't remember.

Q. Now I show you a bank account beginning May 28, 1936, and ending March 1, 1937, I gather, from the Solebury National Bank of New Hope, Pennsylvania, standing in the name of David Breen, Edna Rogers Breen. Did you know about that joint bank account?

[1302] A. Was this in New Hope? I had a recollection it was in some little town close by. Lansburg, or something like that; I don't remember having an account in New Hope, but the Solebnry sounds familiar. I don't really know.

Q. That is in New Hope, according to the bank book. A. So it says, yes.

Q. And that has over a period of some few months deposits totaling over a thousand dollars, doesn't it?

A. No, 103—well, I don't know what this is. It starts off with $320.86—are these deposits or withdrawals?

Q. I understand, Mrs. Chambers, they are deposits, and I think you will find they run around a thousand dollars. You didn't remember anything about that bank account? A. I did not, but now that you mention it, the Solebury sounds familiar, but I also have an idea that we had an account in that little town close by, I have forgotten what its name is, it was a railroad station.

[1303] Q. Now there are two other bank accounts. I think they are both in the same bank; one a saving fund department and the other apparently—I don't know. It does not say one way or the other—First National Bank & Trust Company, Newtown, Pennsylvania, David Breen or Edna Rogers Breen, New Hope, Pennsylvania, and then another book of the savings department under the name of Edna Rogers Breen alone (handing). Did you ever know anything about those bank accounts?

A. Well, yes, I probably did. I don't remember very much about them. Are there two here or three? New Hope? I am not very clear about the New Hope. I know the name Solebury Bank.

Q. Did you know that you had a bank account under the name of Edna Rogers Breen? A. I see here this says "Edna Rogers Breen. Kintnersville, Pennsylvania."

Q. Where is that? A. Right on this one, the Solebury National Bank.

Q. Is that the address of the bank or the address, supposed address, of Edna Rogers Breen? A. Well, I should think that it was for Edna Rogers Breen. Now, whether that was when we were living at—I don't remember—whether we were living at Maxim Lieber's at the time. We had started an account there in the Solebury National Bank? I don't really remember.

[1304] Q. Well, this is the account that has the deposit—

A. We cashed some checks somewhere.

Q. The book that you have referred to is the one that has deposits totalling approximately $1000, the first entry being May 26, 1936 and the last March 1, 1937, and it is Solebury National Bank of New Hope, Pennsylvania, in account with David Breen, payable to either or the survivor, Edna Rogers Breen, Kintnersville, Pennsylvania, and then something "U.D." or "N.D." A. I don't know what that means.

Q. Is that your handwriting? A. No.

Q. Your husband's? A. No.

Q. Did you ever live at a place called Kintnersville, Pennsylvania? A. No. It might have something to do

with that Ferndale place. I don't know. It might be called Kintnersville, I am not sure.

Q. Have you ever until this moment heard of the name of Kintnersville? A. Yes. It is familiar to me, but I just don't know where it is—Maxim Lieber's village or what it is. I think it is, but I am not sure.

Q. Did you know that you had either an account in your name alone or joint account with your husband under the false name of Breen? A. I probably did.

Q. Did you at the time? A. I don't know. I can't remember. I had not remembered it up to now but there is [1305] these names and the name of the Solebury Bank and I also have a vision of myself, or picture of myself, cashing a check in that town with the name which begins with "L", I think, near Newtown, and I just don't remember at this minute.

Q. Do you think you had some other bank account other than this? A. I had not remembered this, as a matter of fact.

Q. Did you ever go under the name of Edna Rogers Breen?

A. Yes.

Q. You knew that that was a false name? A. Yes, indeed.

Q. And you went under it to deceive people? A. That is correct.

Q. Did you know that your husband applied for a passport under the name of David Breen in May of 1935? A. I don't know whether I knew it at the time, but I have since known it.

Q. Well, how soon after May 1935 did you first hear about it? A. I don't know.

Q. Well, would it be a matter of years? A. I think so, yes. I think when this whole episode came up that I became cognizant of it. I am not sure that I did not know it before, but at the time it was taken out I did not know about it.

Q. So that it is fair to say, Mrs. Chambers, that up until at least the hearings started before the House Committee [1306] in August 1948 you never knew that your

husband applied for a passport under the false name of David Breen, is that correct? A. No, that would not be fair. I am not at all sure I did not know it sooner than the hearings began and I did not know it at the exact time it was taken out. I think it was something I did not know about.

Q. You said a moment ago, I thought, and if I am wrong correct me, that it was not until years after that you knew about it? A. That is right, years afterwards, but I did not mean to imply it was when these revelations came out, this whole trial, et cetera, and the beginnings thereof—

Q. You would certainly say a matter of five years or more afterwards? A. Yes, some years afterwards.

Q. Did you know that your husband in connection with that application for the false passport used the birth certificate of Edna Rogers Breen? A. No, I did not, but it would not have mattered any to me.

Q. That is, if your husband paraded you off under the false name of Edna Rogers Breen to get a passport to go abroad from the United States it would not matter to you?

A. Not at the time. It would have been with my complete cooperation.

Q. But you did not know it at the time? A. No, I just did not happen to know that at the time.

Q. Did you know that Edna Rogers Breen was dead when [1307] your husband applied for this false passport? A. I repeat I did not know about it.

Q. You found out since, haven't you? A. Well, I don't know whether I have or not until this moment.

Q. Did you know that your husband got a false birth certificate for Ursula Breen who was dead, in connection with that false passport?

MR. MURPHY: I don't think there was any testimony Ursula Breen was dead, if your Honor please.

MR. CROSS: May we have the birth certificates of Ursula Breen?

(Produced.)

MR. CROSS: And may I have the David Breen birth certificate?

(Produced.)

Q. I now place before you, Mrs. Chambers, Government's Exhibit 28, which is a birth certificate for Ursula Breen: Date of birth, November 12, 1933, in Atlantic City, naming the parents, David Breen, and Edna Rogers. The occupation of the father: writer; and the residence of parents: Riviera Apartments. Did you ever see that paper before?

A. No; I have never seen that paper before.

Q. Did you ever know that your husband used that birth certificate representing it to be the birth certificate of your daughter, in order to get the false passport?

[1308] MR. MURPHY: Your Honor, there is no testimony that the passport was issued in the name of Ursula Breen. I don't think Mr. Cross meant to imply that.

MR. CROSS: I understood Mr. Chambers had it and used it at the time he got the passport.

MR. MURPHY: He was prepared to use it, as I understand it.

MR. CROSS: I won't quibble about that.

Q. Did you know about that paper until I showed it to you a moment ago? A. I have never seen this paper before.

Q. Now, I show you, Mrs. Chambers,—and by the way before I leave it, your child was born in what town?

A. New York City.

Q. New York City? And for a time your child went under the false name of Ursula Breen? A. That is right.

Q. But she was not born on November 12, 1933, was she?

A. No.

Q. Or at Atlantic City? A. No.

Q. Now I show you Government's Exhibit 27, which is the birth certificate of David Breen. David Breen's date of birth—this is a birth certificate of David Breen showing

his date of birth as April 28, 1900, and his father is John E. D. Breen, and I will ask you whether you ever saw that paper until this moment? A. I never saw this paper until this moment.

[1309] Q. Do you know where your husband keeps papers while living at his Westminster Farm? A. Oh, I have an idea.

Q. Is that in some locked container? A. Some locked container, and some others. We have a safety box and I have a little locked letter file—not locked actually—just has a clasp.

Q. You have never seen what is inside those?

A. Oh yes.

Q. But you have never seen that— A. I have never seen these two papers, no.

Q. Did it come to your attention at any time that your husband, since he got this false passport issued to him on May 31, 1935, had retained in his possession until this trial that birth certificate of David Breen? A. Why, it would not occur to me, no, and it would not matter to me.

Q. I beg your pardon? A. It would not occur to me and it would not matter to me.

Q. My question is, did it come to your attention that he was keeping these papers for the last 14 years and a half past? A. Why, no, of course not.

Q. You certainly did not know anything about them?

A. No, but I did have the passport in my possession.

Q. Under what name? A. It was David Breen.

Q. Well, you mean for you personally or for your husband?

A. Well, I am not David Breen or never was.

[1310] Q. Well, but you say you had a passport in your possession? A. I had my husband's passport in my possession. He gave it to me to hold for him when he went away. That is all I know of it.

Q. When was that? A. Oh, perhaps during the hearings or perhaps during the deposition. I don't know which.

Q. Was that the first time you ever saw it? A. That was the first time I had ever seen it.

Q. And that is, when he absented himself from the Westminster Farm to go up either to a hearing of the House Committee or to give his deposition in Baltimore he gave you this passport?

MR. CROSS: May I see it?

MR. MURPHY: I think it is a defendant's exhibit.

Q. I will just show you the defendant's exhibit on that to make sure this is the one you refer to. He gave it to you (handing)? A. Yes.

Q. Do you know of your own knowledge where he got it from? A. No.

Q. I show you Defendant's Exhibit K and ask you if this is the passport that you say your husband gave you when he either went to the hearing before the House Committee or else to give his deposition? A. The passport that I saw was contained in a container something similar to this. I had never seen it outside of the folder or envelope.

[1311] Q. You don't know whether that is the one or not? You cannot help us? A. No, I cannot help you on that.

Q. Did he give you any other papers? A. No. That was all I had.

Q. Did you put it in a locked container? A. Actually I put it in the chicken house.

Q. And left it until he got back? A. Until he got back so it would be out of the house.

Q. Did you know where this name "Edna Breen" originated?

A. No.

Q. Well, you used it, didn't you? A. Well, yes.

Q. Did you know that your husband got a birth certificate of one Edna Breen and said he kept it up until the present time? A. I don't know that I actually knew that.

Q. Or was it just an inspiration that you used the name "Edna Rogers"? A. Oh no. I knew there was some reason for it. I accepted my husband's reasons implicitly. I never questioned him.

Q. He gave you the name Edna Rogers Breen? A. That is right.

Q. And you knew when he gave it to you it was a false name? A. Yes, of course.

Q. And you used it in whatever way he suggested?

A. Well, I used it as my name there; the name that I was referred to. I lived at that address by that name.

[1312] Q. And did you know he used the name in getting his false passport? A. I don't know about the passport. I did not until sometime later.

Q. Now, did you have a bank account over in Westminster?

A. Oh yes, I have a bank account in Westminster.

Q. You have had that from sometime back in 1937?

A. 1939, I believe.

Q. Didn't you have it in 1937? A. Yes, I believe we did.

Q. You recall buying a farm down there in Westminster and making a payment of taxes, and so on, with checks drawn on that bank, do you not? A. Yes.

Q. So that at least from about May or June 1937 we have it that you have had a bank account in the Westminster Savings Bank? A. Yes.

Q. And you have continued it up to the present time?

A. That is right.

MR. CROSS: I cannot finish tonight.

THE COURT: Then we will adjourn until tomorrow morning at half-past ten.

(Adjourned to December 7, 1949, at 10:30 a. m.)

[1313] New York, December 7, 1949; 10:30 o'clock a. m.
Trial resumed.

ESTHER CHAMBERS, resumed the stand.

Cross Examination continued by Mr. Cross:

Q. Mrs. Chambers, do you recall your testimony in direct about a talk that you said took place in Mr. Hiss's presence when Mrs. Hiss was there, you and Mr. Chambers, about Mrs. Hiss trying to take a course at Mercy Hospital?

A. I do.

Q. You recall your testimony about that?

A. Yes, I do, sir.

Q. And where was that? A. That was at St. Paul Street.

Q. St. Paul Street? A. Yes—no, I am sorry. This was in regard to Mercy Hospital? That would be Eutaw Place, of course. I am sorry.

Q. And just to remind his Honor and the jury, Eutaw Place you thought you moved to about September or October 1935 and stayed there until about June of 1936, is that correct? If it will help I will show you Defendant's Exhibit BB to help you, Mrs. Chambers (handing). Is that approximately the date you were living at Eutaw [1314] Place? A. That probably is.

Q. Do you care to look at the schedule that you made if it will help fix the time more definitely?

A. At Eutaw Place I believe we went there in the middle of September and left there somewhere in April.

Q. Well, September of 1935? A. That is right, sir.

Q. And left there you think April of 1936?

A. I believe yes.

Q. And it was during that stay that you say this discussion took place? A. Yes. It was a frequent topic of discussion.

Q. You told us about a talk that you had about it and I am trying to fix the time and the place. At page 1218 you were asked in direct examination:

"Q. Do you recall, Mrs. Chambers, whether Mr. Hiss was present at the time of the talk about the Mercy Hospital?

"A. Oh, I am quite sure he was present. We discussed it at great length, and Mr. Hiss probably was present at the dining room table where we talked about it. This was a constant subject at the moment. At that time while we were at Eutaw Place Mrs. Hiss was very much concerned about that and really wanted to do that course."

Now Mercy Hospital is some hospital in Baltimore?

A. Yes, it is.

Q. You testified in your Baltimore deposition that [1315] she was actually taking a course at the time that

you lived at Eutaw Place, did you not? A. I may have. I do not know.

Q. What is your memory now as to whether when you were living at Eutaw Place you said that Mrs. Hiss was taking a course at the Mercy Hospital?

A. She was investigating the possibilities of taking a course. I don't know just what she did about it.

Q. Now at page 603 of your Baltimore deposition, November 16th—perhaps I better go back to page 602:

"Q. That is one occasion you spoke of. Did you see her at any other time? A. I believe it was at that time that Mrs. Hiss was enrolled at Mercy Hospital to learn nursing. She did not stay there very long. It was rather a task and what with the housekeeping and having to dash back and forth from Washington it was a little more than she wanted to continue with and it was at that time she was making inquiries about the nursing business that I did see quite a good deal of her. I probably met her at the Fountain Shop, as I say, at Hutzler's, and she came to the house to stay with the baby one night and she came to the house several times during that period, mainly through the afternoon and the early afternoon that she would have to get home in time to have dinner for Alger.

[1316] "Q. Now this was while you were at Eutaw Place? A. This is while we were at Eutaw Place, that is right.

"Q. You are perfectly sure of that? A. Yes, I am sure of that. That is right.

"Q. All right. She came to see you while she was studying at Mercy Hospital, is that right?

"A. I believe that was the combination. At any rate I saw more of her there than I did at the previous places. I believe that was true, that she was going to Mercy Hospital at the time."

Were you asked those questions and did you give those answers last November, 1948? A. I did.

Q. Now you testified here about certain pieces of furniture that the Hisses gave you when you moved to Eutaw Place, did you not? A. Yes.

Q. What did you buy when you moved into Eutaw Place for furniture? A. We bought a bedroom suite at an auction place, a lamp, as I recall it. We had a rug that we bought at Breger & Eisenberg. I don't at the moment recall other things.

Q. In your Baltimore deposition, November 16, 1948, were you asked these questions:

"Q. Yes. You say you spent three days at the Hisses' house? A. Yes.

"Q. You came down from Frenchtown and spent three [1317] days in the Hiss house? A. Yes, sir.

"Q. Was your furniture moved into the third floor of the Hiss house? A. We had just the baby things and then we needed so very little there because we were adjoining households, you see, and there was a bathroom up above there and so I needed relatively little.

"Q. What did you do when you went to Eutaw Place?

"A. To Eutaw Place?

"Q. Yes. You moved from there to Eutaw Place. What did you do for furniture on Eutaw Place? A. Well, I recall we bought, our first extravagance was a rug at Breger-Eisenberg for which we paid $30 and which we still have, and then we had a lot of rag rugs which were being imported from Japan, I think, at a cost of very little, like $3, something like that, for a 9 x 12 I think $6, I believe, a smaller size, and then we bought from an auction place—Newtown—

"Q. You mean you bought your furniture for Eutaw Place? A. I think so. We bought a bedroom suite and chest. We bought unfinished chairs on—I don't know what that street back—anyway that is the way it was. We had very little and what we needed we bought. I recall buying a lamp and the bedroom suite and the chairs and the rug. The bedroom set cost us exactly $40 and the lamp cost us a dollar and something, and [1317a] the rug, as I say, cost $30. We had a secondhand studio couch, a maple bed, a double bed, and for other furnishings we had the paintings that I had done on the Delaware and I had Edith's nephew make me some bookcases out of red cedar, and we

always had plenty of books, you see, but it was sad, but it was an established—"

Were you asked those questions and did you give those answers? A. I did.

Q. And that was last November? A. (No answer.)

[1318] Q. You testified, as I recall, that Mrs. Hiss came up from Washington to Baltimore and stayed with your young daughter while you came to New York for some prenatal care for your second child? A. Yes.

Q. And at the first trial you said that she went home after your return and did not spend the night, didn't you?

A. I don't remember that.

Q. In direct testimony at page 1216 you were asked:

"Q. She stayed overnight? A. She stayed overnight with the baby. I recall too that she met me several times in the square in front of the house. Eutaw Place is almost a square in front, a little park area, and I would take the baby out for air and we met there."

Now, did you in Baltimore testify that she did not spend the night with you on this occasion? A. Well, did I? I don't know.

Q. Well, do you have any memory? A. Yes. May I tell you what I know about it?

Q. No, my question was, do you recall— A. Whether I said that?

Q. —as to what you testified as to whether she spent the night there last November? A. I do not at this moment.

MR. CROSS: I am referring to page 651 (Baltimore deposition):

"You recall yesterday you wanted to know had I [1319] had"—this is a question that you put yourself—"You recall yesterday you wanted to know had I had any prenatal care before our John arrived?

"Yes."

And then answer: "Priscilla Hiss very kindly came and stayed with the baby so I could go to New York and visit Dr. Shields. My recollection at this moment is that it was a Wednesday, and that Edith, who was our maid, had

the afternoon off, and Priscilla came to relieve her and stayed with the child until I returned, which, to my best recollection, was about 11 oclock at night.

"Q. What did she do then? A. What did I do then?

"Q. What did she do then? A. Then she went home.

"Q. You mean went back to Washington? A. To Washington, yes."

Were you asked those questions and did you give those answers? A. Yes.

Q. And at that time you recall that the day previous you had been asked about this incident, and you had thought it over overnight, and then you reminded Mr. Marbury, the following day that he had inquired about it, and then you gave the answers that I have just read? A. Yes. May I explain that?

Q. I just asked those questions. You have testified here that she spent the night there? A. Which is true, sir, [1320] she did spend the night—

Q. Now, I want to ask you— A. —for Thursday was the clinic day.

Q. Beg your pardon? A. Thursday was the clinic day which I went, and Wednesday was the day she came to stay with the baby. Therefore, she had to stay overnight.

Q. That is something you have recalled since last November, is it not? A. Yes, probably.

Q. Well, at least you testified last November that she did not spend the night? A. I probably did not remember then.

Q. Now I want to ask you a few questions about this lunch at Hutzler's. That is in Baltimore? A. Baltimore, a department store.

Q. That is a restaurant conducted by a department store in Baltimore by the name of Hutzler's? A. Yes.

Q. Do you remember what you testified to with respect to that lunch at the first trial? A. No.

Q. At the first trial did you say that the only people

present were yourself, Mr. Hiss and Mr. Chambers, and that Mrs. Hiss was not present? A. I don't remember.

Q. Do you recall that you testified that you met Mrs. Hiss in the soda fountain place? A. I think that was another occasion.

Q. At the first trial were you asked these questions and did you give these answers—

[1321] MR. MURPHY: What page?

MR. CROSS: Page 869.

Q. "Q. What dining room? A. H-u-t-z-l-e-r. It is a department store, and they have a dining room and Mr. Hiss and my husband, Mr. Chambers, and I, I believe the baby, at the time had lunch there during a time when Mrs. Hiss was trying to take a course—register for a course in nursing at Mercy Hospital. I, on my part, met Mrs Hiss in the Hutzler fountain shop where we had a soda together—Mrs. Hiss herself does not like ice cream—I can't recall at this moment others."

Were you asked that question and did you give that answer?

A. Yes, but I don't think it implied that that was just the one time. There were two separate times.

Q. Mrs. Chambers, please, I want simply to ask you whether you were asked those questions and you gave those answers? A. I did.

Q. Now, according to your testimony here on direct you now say that Mrs. Hiss was present at that lunch? A. I believe she was.

Q. I am just asking you about your testimony. A. Yes.

Q. With reference to this baby wetting episode at the 30th Street house, that you testified about, when was that?

A. It was in the summer of 1937, I believe.

[1322] Q. Summer of 1937? A. Yes.

Q. Can you give us any more definitely what part of the summer? A. I believe we were living at Auchentoroly Terrace.

Q. Well, you lived at Auchentoroly Terrace for several months, did you not? A. We did.

Q. Well, that does not help very much. A. Well, I am sorry.

Q. Did you testify in your Baltimore deposition that you saw very little of the Hisses in the summer of 1937 and you were very vague about the summer of 1937?

MR. MURPHY: I object to counsel characterizing the testimony as vague. I have no objection to his reading the testimony.

MR. CROSS: I said, did she testify that her memory was vague.

MR. MURPHY: If you so word it I have no objection.

A. No doubt.

Q. Now may I read from page 672 of the Baltimore deposition taken the morning of November 17, 1948:

"Q. Now, do you know what Priscilla Hiss was doing the summer of 1937 that you were on Auchentoroly Terrace?

"A. I think I do. Well, Timmy was on the eastern shore at camp, and they had a very simple place to live in for the period and I think it was that summer that they [1323] spent some time, just how much I don't remember. My memory is vague about that."

Were you asked that question and did you give that answer? A. Yes.

Q. And you were referring to a place that they were staying at in 1937 on the eastern shore of Maryland, weren't you? A. Yes.

Q. With reference to the period that you were living at Auchentoroly Terrace, as I recall your direct testimony, Mrs. Chambers, it was that you had a very distinct vision of Mr. Hiss sitting in one of the easy chairs there? A. Yes.

Q. Do you recall so testifying? A. Yes.

Q. What was the date of that visit when you say you remember very distinctly Mr. Hiss sitting in one of your easy chairs at Auchentoroly Terrace? A. It would be sometime during the time we were in Auchentoroly Terrace.

Q. Was that during the summer? A. During the summer.

Q. During the summer? A. I believe so.

Q. Who was present? A. Both Mr. and Mrs. Hiss.

Q. Then you testified you went out to Druid Hill Park?

A. Druid Hill Park.

Q. What time did you go out to the park? I mean, what time of day was it, approximately? A. Sometime during the day.

Q. Well, was it in the latter part of the day?

[1324] A. Well, I can't tell you that now, probably during the hours when children are awake.

Q. Well, as a matter of fact, when you first testified about this you said that it was after the maid had gone, didn't you? A. No.

Q. You didn't so testify? A. I don't believe so.

Q. Well, when you went— A. You mean that we went to the park, sir, or that the Hisses came to our house? To which are you referring?

Q. As I understand it, it was when you went to the park with the Hisses, according to your testimony. Was that after the maid left? A. I haven't any idea. It might possibly have been the afternoon the maid was off, which would have been very sensible, of course.

Q. Well, did both Mr. and Mrs. Hiss go with you and Mr. Chambers to the park? A. Not the instance that I recall. I just remember Mrs. Hiss with me. I don't wish to imply that that was the same visit.

Q. Now, on one of these occasions did you take the baby out for a walk in Druid Hill Park? A. You mean Mrs. Hiss and myself and the baby?

Q. Yes. A. Yes.

Q. Which baby? A. That would be Ellen.

Q. Well, this was in 1937? A. Yes.

Q. And your son was born August 18, 1936, was he not?

[1325] A. That is right.

Q. What happened to him while you were out walking with Ellen? A. Well, we had a nice back yard and the

little boy was there most of the time.

Q. I am now referring to page 620 of the Baltimore depositions, and I will ask you whether you were asked those questions and gave these answers:

"Q. Well now, after you left Eutaw Place when did you next see either of the Hisses, any member of the Hiss family?

"A. Oh yes, at Auchentoroly Terrace. We often went to Druid Hill Park and after the maid left for the evening I remember Alger and Pros coming in to visit us there. I remember Pros, I don't remember Alger, and we took the baby out for a walk in Druid Hill Park.

"Q. In 1937? A. I think so, yes."

Were you asked those questions and did you give those answers?

MR. MURPHY: You gave me the wrong page.

MR. CROSS: 620 and 621.

A. Do you imply from that that it was the same visit?

Q. Beg your pardon? A. Did you imply from that that we took the baby out at night?

Q. Mrs. Chambers, I simply asked you whether you were asked those questions and gave those answers. A. I did.

Q. In your direct testimony in describing Volta Place [1326] you testified about the entrance to the attic at the Volta Place house and gave a description of the attic, did you not?

A. Yes, I believe so.

Q. And that was the first time you have ever testified about that entrance to the attic or gave a description of the attic, is it not? A. I don't know. I believe I have said before that Timmy's quarters were up there.

Q. Have you ever before told about the stairway leading up the attic where you make a turn when you testified either at the Baltimore deposition or at the first trial?

A. Did I say you make a turn into the attic?

Q. Well, I will ask you whether you have ever described the entrance to the attic before? A. I don't know, sir.

Q. You testified about going through a gate and there being some forsythia there? A. To the right, yes.

Q. Where was the forsythia? A. I think against the wall—I think I explained that it was trained against the wall somewhat like a fruit tree in espalier fashion.

Q. What date was this that you saw the forsythia trained against the wall? A. Well, it was during one of those visits I made to Volta Place.

Q. Yes, but what month or what months was it? A. I am sorry, I would not know that; it is either in the latter part of 1937 or in the early part of 1938.

Q. It would be in dead winter? A. Might or might not. [1327] I would not have noticed it so well if it had not been perhaps early spring, but I am not sure about that.

Q. Now, Mrs. Chambers, it appears from the exhibit that has been put in that the Hisses moved to Volta Place on December 29, 1937? A. Right.

Q. You have testified that you went there to some housewarming? A. Right.

Q. And then you say that you have since your testimony at the first trial thought of another occasion, and that occasion was when you remember, the four of you, you, Mr. Chambers, and Mr. and Mrs. Hiss, standing in the hallway about 4 o'clock in the afternoon and remembering distinctly, having it indelibly impressed on your mind, that Mrs. Hiss took her left hand and turned on the electric light?

A. That is right.

Q. And that you then had some discussion about a swallowtail coat that Mr. Hiss had on? A. Yes.

Q. And what persons in his position from the time he had left the law school wore? A. Yes.

Q. Is that substantially what you testified to?

A. Yes.

Q. Now, those are the only two occasions that you testified to on direct ever having gone to Volta Place?

A. Yes.

Q. Well, if they moved there December 29, 1937, do you [1328] remember this was around about that time or

shortly thereafter? A. No, I did remember another visit, and that was—

Q. I say, do you think the housewarming was shortly after they moved there on December 29, 1937? A. Oh yes.

Q. So you would put it either in December or early January? A. Yes—the first visit?

Q. The housewarming? A. Yes, I would put it somewhere shortly after they moved there.

Q. Now, was the other occasion that you have testified to for the first time, was that after the housewarming?

A. Yes, I should judge so.

Q. And would that be in the month of January or February?

A. That I would not know. It was sometime during the—later than the first visit.

Q. Which visit was it that you remembered about the forsythia that was trained against the wall? A. Well, I don't know, but sometime during that period I remember.

Q. There are one or two questions I apparently overlooked in connection with the 28th Street apartment: Did the 28th Street apartment have an elevator or was it a walk-up apartment? A. It was a walk-up.

Q. You testified that during the entire time that you were there you had a maid named Julia and you thought her last name was Rankin? A. Yes.

Q. Did you have her during the six-weeks' period?

[1329] A. Yes, we did.

Q. How did she address you when she spoke to you?

A. I don't know. I don't remember.

Q. Did she call you Lisa? A. Of course not.

Q. Beg your pardon? A. Of course not. That was simply for the consumption of Mr. and Mrs. Hiss.

Q. Well, I ask you whether the maid Julia called you Lisa? A. Of course not.

Q. And you can't suggest to us what name she did call you? A. No.

Q. There is not any question but that you saw her frequently enough that she did address you by some name?

A. Well, of course.

Q. During this six-weeks' period? A. Of course.

Q. And you can't remember what that name is? A. No, I can't remember the name.

Q. Now, the Boucot cottage: That is sometimes referred to as the Smithton cottage? A. Yes.

Q. And it is on or near the Delaware River? A. Yes, it is on the canal. Smithton was the canal station.

[1330] Q. And the cottage was some few miles from Smithton?

A. No. It was practically at the station.

Q. And that was owned by Mr. Boucot? A. Boucot, yes.

Q. How long were you there? A. Oh, approximately August and after Labor Day—I should say a month and a half or so.

Q. You testified I think on direct that you did not know just what name it was, Cantwell or Breen, but later—

A. It was Breen.

Q. —but later you remember that it was Breen?

A. It was Breen. There is no doubt about it.

Q. Did you know why you took the name Breen at that time? A. The same reason that we took other names.

Q. For deception? A. That is right.

Q. Is that all you knew about the taking of the false name of Breen? A. Yes.

Q. It is the first time you ever gave your daughter a false name, isn't it? A. No. She had the name of Cantwell.

Q. Oh, she had the name of Cantwell? A. Why yes, of course.

Q. And then later when your son came he was given the name of Patrick Breen? A. Breen, yes.

Q. So that you continued to use the name Breen at least until after August 18, 1936? A. Yes.

[1331] Q. Was that the only reason you understood for taking this name Breen? A. I don't know what other reason there would be.

Q. Now I understand Mrs. Hiss came to visit you and spent ten days at the Boucot cottage? A. That is right.

Q. About when was that? A. Well, she left toward the latter part of the time we were there. That would be about ten days before the end of the month.

Q. That is about ten days before Labor Day, 1935?

A. Yes.

Q. Did you see any of your neighbors during this time Mrs. Hiss was there? A. Yes, we did.

Q. Who? A. Mr. Boucot, his sister, Mrs. Brown, a little boy nephew, I think his name was Paul, perhaps it was, I don't know. Some neighbors who were there during the Labor Day weekend. I don't know what the doctor's name was that we spoke to—both Mrs. Hiss and myself—and two little girls who were selling peas and vegetables, a neighbor farmer's children, probably lots of people saw us, but those are the ones I remember.

Q. There is no doubt about Mr. Boucot saw you with Mrs. Hiss, is there? A. In my mind?

Q. Yes. A. No, sir.

Q. As a matter of fact you introduced Mr. Boucot to Mrs. Hiss, didn't you? A. Yes.

[1332] Q. And was he present when Mrs. Hiss was there on more than one occasion? A. Oh yes. He would come in for coffee quite frequently.

Q. He would come for coffee quite frequently while Mrs. Hiss was there? A. Yes, of course.

Q. As many as a half a dozen times would you say?

A. Well, perhaps.

Q. What name did you use when you introduced Mr. Boucot to Mrs. Hiss? A. I don't remember, but some name that just came to my mind. It was used for the occasion.

Q. Well, did you— A. It had no significance. I can't remember it.

Q. Well, did you use the name Hiss? A. Probably not.

Q. You of course introduced Mr. Boucot by his right name? A. Yes.

Q. And would you say you introduced him to Mrs. Hiss by her name, Hiss? A. I would not think so, but I do not know.

Q. Is that as definite as your memory is about it?

A. Yes. It would be more likely that I would have invented a name for the purpose.

Q. Do you have any memory of inventing a name for the purpose? A. No.

Q. Do you remember last year in your Baltimore deposition that you were asked these questions, page 576:

[1333] "Q. Was she introduced or was it just more casual than anything else?"

That is after referring to Mr. Boucot and your husband and Mr. Lieber and Mrs. Hiss being present.

"Q. Was she introduced or was it just more casual than anything else? A. No, I guess—I haven't any idea.

"Q. You do not know whether she was introduced? A. I probably would have never introduced her under her own name to an outsider.

"Q. Well, what name did you introduce her to Mr. Boucot by? A. That I don't remember, but probably something I just made up. Rogers has a ring to me."

Were you asked those questions and did you give those answers? A. I did.

Q. Now with that called to your attention is your memory refreshed as to what name you introduced Mr. Boucot to Mrs. Hiss by? A. It may have been Rogers, but I am not sure. Was not sure then.

Q. Well, you said that the name Rogers has a "ring to me." A. Yes.

Q. Does it still have a ring to you? A. No. I would not say that that was definite at all.

Q. As a matter of fact the name used on the application for the false passport in May of 1935 was Edna Rogers as your name before you were supposed to marry Breen?

[1334] A. Yes.

Q. That is Rogers was your— A. Maiden name.

Q. —supposed maiden name? A. Yes.

Q. Now did you know anything about—I think you testified yesterday and I just want to be sure—you testified yesterday that it was not until years afterwards that you knew anything about this application for the false passport or the issuance of this false passport? A. That is right. Some years afterwards.

Q. I beg your pardon? A. Some years afterwards, that is true.

Q. And that you did not know anything about Mr. Chambers having a birth certificate of Edna Rogers? A. No.

Q. But you thought in connection with the introduction of Mr. Boucot, according to your testimony, in the summer or just before Labor Day in 1935, that Rogers might have been used? A. For Mrs. Hiss's name?

Q. Yes. A. Well, that is what I said.

Q. Well, up to that time had you heard of Edna Rogers?

A. Up to which time, sir?

Q. Labor Day of 1935. A. Well, I was Edna Rogers.

Q. I beg your pardon? A. I was Edna Rogers. I was Edna Breen.

Q. Edna Rogers Breen? A. That is right.

Q. Did you know how that name was selected for you? [1335] A. No.

Q. Or the use that had been made of it? A. No.

Q. Other than giving it to you and using it on these bank books? A. No. That did not concern me.

Q. None of the uses of these false names concerned you? A. No.

Q. Now when Mr. Hiss came, as you testified, to the Boucot cottage to get Mrs. Hiss, do you recall who was there? A. I don't believe there was anybody there but Mrs. Hiss and myself and of course the baby.

Q. Mr. Chambers was not there? A. No, he was not there.

Q. Now a few questions about the P Street house: when you went to the P Street house by what name were

you known? A. You mean the first time or the second time?

Q. The time that you indicate on that schedule as three days and "September" with a question mark.

A. I might have been known as Breen then but I am not sure.

Q. You don't remember? A. No.

Q. In October 1937 were you living at Auchentoroly Terrace? A. Yes.

Q. I show you a photostatic copy of a letter dated October 4, 1937, headed "3310 Auchentoroly Terrace, Baltimore, Maryland," and ask you if that is a photostatic [1336] copy of a letter that you wrote to the Park School?

A. Probably, yes.

Q. Will you look at it and see? A. It is my signature and my handwriting.

Q. Where is the Park School? A. Somewhere on Liberty Heights Avenue in Baltimore.

Q. That is a private school? A. I believe it is a private institution.

Q. Where they charge tuition? A. Where they charge tuition.

Q. Do you remember what it was in 1937?

A. The tuition?

Q. Yes. A. No. I have never known what it was.

Q. Now you wrote the letter and signed both yours and Mr. Chambers' name, did you not? A. Yes.

MR. MURPHY: Do you want the original?

MR. CROSS: I would like it, yes. I think the original went back to the school.

MR. MURPHY: It does not matter.

MR. CROSS: Apparently the original went back to the Park School at the first trial and there being no objection by Mr. Murphy I will offer as Defendant's Exhibit DDD the letter signed Jay and Esther Chambers to the Scholarship Committee, Park School, dated October 4, 1937.

[1337] (Marked Defendant's Exhibit DDD.)

MR. CROSS: Ladies and gentlemen of the jury, Defendant's Exhibit DDD has the heading 3310 Auchentoroly Terrace, Baltimore, Maryland, October 4, 1937, addressed to Scholarship Committee, Park School, Baltimore, Maryland (reading).

Q. Was this letter sent to the Park School at about that time? A. Yes.

Q. I assume that this had been talked over with your husband before you wrote it? A. Yes.

Q. And it was decided what should be stated in the letter? A. I believe so.

Q. And what should not be stated in the letter? That is true? A. Yes.

Q. And one of the purposes in writing that letter was to deceive the school, wasn't it? A. No. The purpose of the letter is exactly what it says; to get a scholarship for our daughter.

Q. Now at the first trial, pages 929 and 930 were you asked these questions:

"Q. I would rather have you answer the question. You used that" (referring to this letter) "you used that suppression in order to deceive the school, did you not? A. Yes."

Were you asked that question and did you give [1338] that answer? A. Well, that was—yes, I gave that answer.

Q. Now were you asked at the first trial at page 931:

"Q. Then my question is, in writing this misrepresentation to this private school to get your child in on a scholarship, you felt no qualms of conscience at all about your effort to deceive— A. None whatsoever.

"Q. —the authorities of the school? A. No."

Were you asked those questions and did you give those answers at the first trial? A. I did.

Q. Now that letter has a number of lies in it, hasn't it? A. No, it has no lies that I know of.

Q. Now did you tell them about the work of your husband? A. Did they ask it?

Q. I beg your pardon? A. Did they ask it?

Q. The statement in the letter "The father a free lance writer and translator has just changed from editorial work Maxim Lieber's Literary Agency in Washington to similar temporary work with the Railroad Retirement Board."

A. That was correct as I knew it.

MR. MURPHY: Your Honor, I submit the letter must speak for itself.

MR. CROSS: I think the state of mind of the witness is certainly material when she wrote this letter, whether writing to deceive the school.

MR. MURPHY: If you want to examine into the [1339] state of her mind I have no objection.

Q. You talked it over with your husband and he saw the letter before you wrote it? A. Yes, probably.

Q. Well, at that time you knew that your husband had ever since, or practically ever since, you had been married to him engaged in underground work for the Communist Party, didn't you?

THE COURT: What is the misstatement, Mr. Cross, that you refer to—the lie?

MR. CROSS: The fact that he is a free lance writer and translator and the fact there was not a disclosure of what his position was with the Communist Party.

THE WITNESS: The Park School did not ask me whether he was an underground worker or whether he was in the throes of a struggle to get out of the underground.

Q. You knew if you disclosed that to the Park School you would not get the scholarship? A. Of course I did, but I was not asked.

Q. At the first trial were you asked this question:

"Q. Did you tell the authorities that for 12 years you had been sneaking around the country under false names and even given your child a false name? A. No. I carefully secreted that."

A. Yes, of course.

[1340] Q. "Q. You secreted that? A. That is right.

"Q. You did not want them to know that? A. That is right.

"Q. You suppressed it? A. Suppressed it.

"Q. Well, what part did you not reveal? A. I did not reveal that he was an underground worker and a Communist.

"Q. You suppressed that? A. That is right.

"Q. So you were trying to get a scholarship for your child by means of deception, is that right? A. Well, yes.

"Q. What? A. Yes."

MR. MURPHY: I am sorry. I can't find this at all. May I ask Mr. Cross to read from the transcript. He is jumping around from his notes and I am lost.

MR. CROSS: Yes, I will read from the first trial, record page 929:

"Q. Well, what part did you not reveal? A. I did not reveal that he was an underground worker and a Communist.

"Q. You suppressed that? A. That is right.

"Q. In order to deceive this school? A. Well—

"Q. Isn't that so? Isn't that so, Mrs. Chambers?

"A. Let us rather say not to deceive the school but to enter the child in the school.

"Q. I would rather have you answer the question. You used that suppression in order to deceive the school? [1341] A. Yes."

Now turn to page 931:

"Q. Then my question is in writing this misrepresentation to the private school to get your child in on a scholarship, you felt no qualms of conscience at all about your effort to deceive— A. None whatsoever.

"Q. —the authorities of the school? A. No."

Then page 936:

"Q. Did you tell the authorities that for 12 years you had been sneaking around the country under false names and even given your child a false name? A. No. I carefully secreted that.

"Q. You secreted that? A. That is right.

"Q. You did not want them to know that? A. That is right.

"Q. You suppressed it? A. Suppressed it."

Q. Were you asked those questions and did you give those answers at the first trial? A. Yes, sir.

Q. Now about the time spent in hiding after you say "we broke from the Party": As I understand it you went to a place on Old Court Road? A. Yes.

Q. And that is in Baltimore or just out of Baltimore, or where is it located? A. Not in Baltimore proper. I think it is on the outskirts of Baltimore.

Q. And the landlord was a Mr. Buck? A. Mr. Frank [1342] Buck.

Q. And after staying there a while you went to Florida with your husband and two children? A. That is right.

Q. When you came back—did you keep your place at Old Court Road while you went down to Florida? A. Yes, we did.

Q. And paid rent during that time? A. That is right.

Q. This is the time you went down to Daytona Beach?

A. That is right.

Q. You think you stayed there about a month?

A. Where? Daytona Beach?

Q. Now I want to read you your testimony in direct with reference to this period, page 1228:

"Q. Mrs. Chambers, at the recess you told us that after the Old Court Road you went to Florida. Do you recall where in Florida it was and how you got there? A. Yes, Mr. Murphy. While we were at Mount Royal Terrace we bought a Ford car and I learned to drive at that time, before we bought the car, and we, from the Old Court Road—Whittaker had gotten a translation and we went down by car to Daytona Beach and rented a house just on the outskirts of the town limits of Daytona Beach.

"Q. Did Mr. Chambers work on the translation down there?

"A. Mr. Chambers worked on the translation then and—

"Q. Do you recall what did you do in the daytime, and [1343] I assume that both— A. Yes. I was just recalling that Mr. Chambers worked on the translation at night so that he could keep watch and I slept during the night, whatever I could, and during the daytime I kept watch.

"Q. Did you have your children with you then? A. We had our children with us."

You recall that testimony? A. Yes.

Q. Now did you during this time that you were in hiding for a considerable period sleep with a hatchet under your pillow every night? A. I did.

Q. That is, in addition to watching at night and during the day, when you did try to sleep every night you slept with a hatchet under your pillow? A. Yes.

Q. At the Baltimore deposition were you asked these questions, page 694:

"Q. Now you went to Daytona? A. Yes, sir.

"Q. And stayed there a month? A. Yes.

"Q. What did you do? Rent a cottage or something?

"A. Yes. We went along the beach, that broad beach in Daytona, a little distance out of the city or township of Daytona and found a sign on a cottage, quite a nice cottage, for rent, and went in to see the neighbors there. There were two houses together, went in to see the neighbors and they told us where to go to the agent, and the children were tired at the time, as we were, [1344] as tired as could be, it was quite a trip down and we were only too glad to find a place and we had a very interesting time while we were there.

"Q. Well, what do you mean by that? A. My husband worked at night and slept during the day and I watched over the children during the day and I kept a hatchet under my pillow at night. I doubt if I had more than three hours sleep during that whole month any one night."

Were you asked those questions and did you give those answers? A. Yes.

MR. MURPHY: Your Honor, I have sat patiently by while Mr. Cross reads from the prior trial and from the

Baltimore deposition. I always thought the purpose of doing such as that was to contradict the witness. If Mr. Cross's purpose is to merely read testimony which does not contradict the witness I think that is objectionable. If that is the object this did not show it. She was in Florida and she did keep the hatchet. Now Mr. Cross reads that and it reaffirms what she said and I don't see the purpose.

THE COURT: What is your purpose? Showing inconsistencies?

MR. CROSS: Coming to the next question will, I think, show what it is.

Q. When you testified what you did in Florida, [1345] Mrs. Chambers, at this trial before his Honor and the jury, did you purposely leave out the reference to sleeping—

MR. MURPHY: I object to that, your Honor. She was not asked about sleeping.

MR. CROSS: She was asked what she did, and in the other—

MR. MURPHY: She was not asked did she sleep at all, nor did she keep a hatchet under the pillow.

THE COURT: You may go ahead with the question. Whether this question is helpful I don't know, but you may ask it.

Q. (Read.) A. I was not asked that question.

Q. Did you purposely leave out the reference to sleeping with the hatchest under your pillow? A. I was not asked that question, sir. It is no great pleasure to remember it.

Q. Well, you said, to the question "Do you recall what you did in the daytime and I assume that both", and then you broke in "Yes. I was just recalling that Mr. Chambers worked on the translation at night so that he could keep watch and I slept during the night, whatever I could, and during the daytime I kept watch."

Now when you were referring to what you did at night did you purposely leave out the reference to sleeping with the hatchet under your pillow?

[1346] A. The hatchet was only incidental.

Q. How long a period of time did you sleep with the hatchet under your pillow? A. I don't know.

Q. Did you do it at other places than in Florida? A. I may have.

Q. Did you ever meet Henry Julian Wadleigh? A. No.

Q. Did you ever meet Mrs. Henry Julian Wadleigh? A. No.

Q. You never went to their home? A. No.

Q. Obviously if you did not meet them. A. No.

Q. And they did not come to your home? A. No.

Q. Did you ever see any maids at the Hisses' home? A. Yes.

Q. On what occasion? A. When I was at the P Street house.

Q. And that was the only time that you remember seeing a maid? A. I don't remember a maid at any of the other houses; I mean ever meeting a maid at any of the other houses.

Q. And you have no memory of ever seeing a maid in any other house, either the 30th Street or Volta Place, that is your testimony? A. Yes. I don't remember ever having seen one at the other houses.

Q. And you have already testified that you think undoubtedly the maid at the P Street house did address [1347] you by some name but you can't remember what the name was?

A. That is right.

Q. Do you recall getting a driver's license in Maryland in the summer of 1937? A. I don't know just when it was. It was in 1937 sometime.

Q. Well, but you bought— A. Yes, but I bought the new car, the 1937 Ford.

Q. Before you bought the new car? A. Yes.

Q. Well, Mr. Chambers had a Ford car at least from the summer of 1935 on, didn't he, until you say you bought the Ford car in 1937? A. The 1937 car, yes.

Q. And before that purchase was made, which it appears, I think, was November 23, 1937— A. Yes.

MR. CROSS: Let me have that exhibit of the Schmidt Motor Company.

Q. —you had learned to drive the car and had taken out a driver's license? A. That is right.

Q. Now in the spring of 1937 a piece of property was bought down in Westminster, was it not? A. If that is the date. I don't remember the date.

Q. That was put in your name? A. I don't know. Either—it might have been both our names. I don't remember. We bought two pieces of property adjoining. I think the rear property was in my name and I think the front property was in both our names. I can't remember exactly.

[1348] Q. There is in evidence, which I will show you, Mrs. Chambers— A. Whatever you say.

Q. —an agreement that was signed in your name for this property by Mr. Chambers.

MR. MURPHY: It was an agreement to purchase signed by her name and what you are asking is whether the property was bought in her name.

Q. Have you any memory? A. I do not know whether you heard me. There were two pieces adjoining. We bought the front property at one time and the rear property adjoining at another later time. I think the rear one was in my name and the front one in both our names. I know one was in my name and the other in both of our names.

Q. And in the summer of 1938 you bought a house on St. Paul Street, was it? A. 1938 was it? We bought a house on St. Paul Street, that is right.

Q. In whose name was that taken?

A. I think it is mine. I don't know.

Q. The car, this Ford car, that was bought in November, 1937, was registered in your name, was it not?

A. I think so, yes.

Q. And you say that the car previously owned by Mr. Hiss was turned in toward the purchase of this new Ford car? A. I don't get that question. Mr. Hiss [1348a] had nothing to do with the Ford car.

Q. Mr. Chambers. I am sorry. The car that Mr. Chambers had owned since 1935 was turned in toward the purchase of the new car? A. Yes, that is right.

Q. And then Mr. Chambers gave you $400 in cash? A. Yes.

[1349] Q. Now Government's Exhibit 40 here shows Esther Chambers, 2124 Mount Royal Street, and it shows November 23, 1937. Would that call to your attention, would you say, that by November 23, 1937, you had moved to 2124 Mount Royal Avenue in Baltimore? A. It is wrong. It is Mount Royal Terrace.

Q. Mount Royal Terrace? A. Yes.

Q. But I am now referring to the Mount Royal residence. So that does help fix the date that by November 23, 1937 you had moved to the Mount Royal Terrace? A. Yes.

Q. And the Park School letter is dated October 4, 1937, and has the address 3310 Auchentoroly Terrace, Baltimore. Do you recall that? A. Yes, I think that is true.

Q. So it is fair to say that at some time between October 4, 1937 and November 23, 1937 you moved from Auchentoroly Terrace to Mount Royal Terrace, is that correct? A. Yes.

Q. Now, I show you Defendant's Exhibit Y. That has a photostatic copy of a check for taxes, I take it, drawn on the Westminster Savings Bank and dated June 25, 1937, signed by you; that is your photostatic copy of a check which you drew on that bank account at about that time?

A. Yes.

Q. And you have continued to keep that bank account there in that Westminster Savings Bank up to the present time in your name? A. In both our names.

[1350] Q. Was it in both of your names at that time, 1937?

A. I don't recall just—I think it was in one of our names, probably in mine, and then made for both of us, supposed to be made out for both of us, I don't recall.

Q. Did Mrs. Chambers—that is your mother-in-law—

give the $400 to apply toward the purchase of the Ford car?

A. No, my husband gave me the $400.

Q. Were you asked these questions in the Baltimore deposition, page 674:

"Q. How about the automobile? A. Mother comes in there some place. I don't know. Mother did help us out at various times. She probably gave us the money for that.

"Q. Well now, how many times did your mother give you money? That is your husband's mother, is it not? A. Yes. That I cannot tell exactly. Mother helped us out in many ways very often.

"Q. Well now, can you give us some idea? Up to this point I have had the impression that you lived off entirely, from June 1934 until your husband got this Government job, that he lived off entirely from what he was paid by the Communist Party? A. Yes.

"Q. Now you tell us that his mother helped him out. Now, to what extent did she help him out financially?

"A. I cannot tell you that. I don't know. But in the instance of the car, for instance, she did help on that.

[1351] "Q. You think she gave him the money to pay for that?

"A. I think so. I am not certain. These things were taken care of by him, and I don't know. I can only tell you what I know."

Were you asked those questions and did you give those answers? A. Yes.

Q. Now with reference to the 30th Street house, when you were asked in your Baltimore deposition with reference to seeing the Hisses, the times and occasion of seeing the Hisses, you never mentioned ever going to the 30th Street house while the Hisses were there, did you? A. Didn't I? I don't know why except that I didn't remember at the moment, but I believe I did.

Q. One or two questions about Volta Place: You testified that you go through a gate, walked up some steps—do you recall that? A. Yes.

MR. CROSS: Now may we have the pictures, the Government pictures of Volta Place?

(Photographs handed to Mr. Cross.)

Q. Now, Mrs. Chambers, I am going to show you Defendant's Exhibit CC, and ask you if that is a fair representation of the side of the Volta Place residence where the Hisses lived and of the side where the door and the gate and of other parts shown in the picture so far as you recall it when you went there? A. No, it does not look anything like it.

[1352] Q. It does not look anything like it? A. The wall was there and the gate. I don't remember anything else like that.

Q. The wall and the gate? A. I don't know that it was this kind of a gate. It seemed to me it was a small gate.

Q. Now, you testified at the first trial—I will show you Government's Exhibit here, 30-C. I will ask you whether Government's Exhibit 30-C—

MR. MURPHY: I think you are using the last trial's number, Mr. Cross.

MR. CROSS: 7-C.

Q. (Continuing) I show you Government's Exhibit 7-C and ask you if that, with the possible exception of an arm rail, fairly represents the structure of the entrance, as you recall?

A. No, I don't remember any windows in there, and I don't remember any iron rail nor any window boxes. I think there was a white wall with the little gate going through. I think it was a perfectly blank wall. I don't remember any windows there.

Q. But you testified that you remember either a concrete or stone porch was there, didn't you? A. After you got up out of the garden there was some sort of concrete porch.

Q. Well, that concrete porch is shown here as being near the entrance to the house, is it not? A. That wasn't [1353] as I remember it.

Q. Well, where was the stoned-in porch that you told us about? A. Further back I thought. I don't remember that looking like that at all.

Q. Would you say that when you went through the gate you turned to the left onto a stoned-in porch? A. Stoned-in porch?

Q. Yes. A. No.

Q. Did you so testify at the first trial? A. I don't think so. That is not my recollection.

Q. Was there either a concrete or stone porch there near the door that is shown on the side? A. I thought I stepped onto a stone or concrete porch.

Q. And was the rest of the structure as shown in Government's Exhibit 7-C, with the exception perhaps of the iron railing, as you recall it, when you say you went there?

A. I don't remember any windows there at all. I remember a blank wall, white, and a gate through which you passed.

Q. Well, when you say that you remember a blank wall—

A. And, furthermore, there was shrubbery on either side going up the stair. What kind I can't remember except for the forsythia.

Q. Just to be specific, Mrs. Chambers, I show you Exhibit 7-C, and when you say there was a blank wall, you [1354] mean the one that is an extension from the house that you say was a blank wall and the windows were not there when you went there, is that correct? A. Yes.

Q. But you do remember that there was such a wall, but the windows were not there? A. I remember a wall, a white wall. I don't recall any windows.

Q. And that wall is an extension from the house out toward the gate, isn't it? A. As far as I could see it was simply an enclosure for the garden.

Q. That is, it had this wall, and then on top of that was this stoned-in porch? A. I don't remember that.

THE COURT: Mr. Cross, I think—

MR. CROSS: One or two questions and I am through.

THE COURT: All right.

Q. Now, at the first trial were these questions asked and did you give these answers at page 968:

"Q. You went through the gate, as you see it there in the picture? A. Here it was—as I recall it, there was a white wall. I don't remember it very well.

"Q. You don't remember it very well? A. No.

"Q. But the wall was white and the gate was there as you see it? A. Yes.

"Q. And you came up there and inside the railing was—this iron railing was, I think you called it a flag platform, [1355] is that right? A. Flagstone. I don't remember an iron railing on the porch itself. I remember either a concrete or a stone porch. I don't remember a railing.

"Q. Well, as you see the picture does that refresh your recollection? A. I hadn't seen the picture before and I don't want to see it, no, sir.

"Q. You don't want to see it now? You compare it with me. A. I regret my memory of it isn't better.

"Q. You recall going to Volta Place? A. That is right.

"Q. And here is the house with the three windows, here to the left, and the three windows upstairs, the smokestack, and doesn't the picture refresh your recollection as to the way it looked? A. It is in general the same. I don't remember very much from the outside. I just remember a white house with white walls and the gate I believe was white at the time.

"Q. The gate was white? A. I think so.

"Q. But other than that— A. I don't remember any iron railing, but I just may not have noticed it. We did not stop long on the outside of the place.

"Q. But the rest of the structure there is the way you recall it? A. Yes, in general."

Were those questions asked you and did you give those answers? A. Yes, sir.

[1356] Q. Has it come to your attention since you gave those answers that the architect appeared and testified at the first trial, Mr. Collier, that that stoned-in porch was not there until 1946?

MR. MURPHY: I object, your Honor, unless we can identify what stoned porch we are talking about.

MR. CROSS: I will be glad to show it to the jury.

MR. MURPHY: No, I suggest that you show it to the witness. She is the one you are asking.

Q. Did it come to your attention that this stoned-in porch here was not put there until 1946 and that there was a big tree standing there up until that time? A. No, sir. It is not there that I referred to as the concrete porch. It is back here (indicating).

THE COURT: A little louder, please, Mrs. Chambers.

MR. MURPHY: Will you please speak up a little.

A. (Continuing) The concrete porch which I referred to and which I recalled was on the top of the steps going into the house, not here (indicating). I don't remember that part at all, and I wasn't referring to that.

Q. And yet at the first trial when you were shown this very picture, 30-C, now marked 7-C, you said except for the iron rail around the top it represented the situation as you remembered it? A. And I distinctly said I didn't remember [1357] a window being broken in there and said it was a white wall which simply enclosed the garden.

MR. CROSS: That is all.

MR. MURPHY: Just one question before we recess.

Redirect Examination by Mr. Murphy:

Q. Did you ever read the testimony about the architect at all, Mrs. Chambers? A. No, I did not. And neither did I read it in the newspapers.

MR. MURPHY: I will continue after recess.

THE COURT: Mr. Cross, had you finished?

MR. CROSS: I had, your Honor.

THE COURT: Then we will have our recess.

(Short recess.)

(The following occurred in chambers.)

MR. CROSS: If your Honor please, for the record I understand that Mr. Felix Inslerman is in the witness room, and I assume that the Government intends to call him as a witness. I have no direct knowledge, but I under-

stood from what had been said by him and his counsel at the first trial that he would claim his privilege. So I object to his being permitted to take the stand for the reason that I think the Government—I think that the Government should ascertain in advance whether he will claim his privilege.

Further, I understand that his testimony is limited to the matter of photographing documents; that this testimony [1358] is immaterial and irrelevant, as Mr. Chambers has testified, and there is no evidence whatever that Mr. Hiss ever had any contacts or knew of such a person as Felix Inslerman.

MR. MURPHY: Your Honor, of course I have no way of knowing how Mr. Cross acquired the knowledge that he has reported, but I can tell you that if I call the witness his testimony will be both relevant and will tend to corroborate not only the story told by Mr. Chambers but will tend to contradict the inferences created by Mr. Cross in his examination of Chambers and his opening to the jury that Mr. Wadleigh was the one and not Chambers who took the papers in question.

I don't believe that a witness should be excluded merely because it is alleged that they believe he will claim his privilege. I think your Honor should, if I might be so presumptuous, follow what you did in connection with the witness Rosen; and if the witness does at that time, then to conform with your prior ruling as to that witness.

MR. CROSS: Have you, Mr. Murphy, made any effort to ascertain whether he is going to claim his privilege?

MR. MURPHY: I don't wish to be interrogated.

MR. CROSS: I guess that is all.

THE COURT: When the case was tried previously his testimony was stipulated?

[1359] MR. MURPHY: His testimony was stipulated, your Honor, in this fashion: We were called to the Bench by Judge Kaufman, and I had first put on an FBI agent, and Judge Kaufman said in words or in substance, "What is the purpose of this witness?" And I said that this witness, who was a photographic expert, and a witness named Felix Inslerman will both prove that the photography of

the developed strips of microfilm, known in this trial as Government's Exhibits 11 and 12, were made by Felix Inslerman with his Leica camera, having received the exhibits from Chambers; and it was stipulated that rather than call both of those men, that those facts would be announced as part of the stipulation, Judge Kaufman ruling that the testimony was relevant, but also adding that by the stipulation Mr. Stryker did not concede their relevancy. I think that is about the way it worked out.

MR. CROSS: I don't know that this is material, and while I have not been told, I was told by someone during the recess outside in the hallway that Mr. Inslerman was in the courtroom. Who told me I don't think makes any difference.

As to the stipulation at the first trial, I am not willing to enter into any stipulation for the reason that we do not have any knowledge whatever about Felix Inslerman and his activity, or anything about any camera that was used, [1360] and it has never been conceded or suggested that we have any knowledge whatsoever of that. And to make sure that I am not doing this entirely on my own initiative, it has been suggested to me that I do not stipulate if the matter is brought up again at this trial, because it should not have been done on the last trial under all the circumstances.

MR. MURPHY: Well, to make my position perfectly clear, I am not asking you to stipulate, nor would I, Mr. Cross.

MR. CROSS: Well, if I have any personal knowledge that is not controversial I will stipulate. But where I have no knowledge I can't.

MR. MURPHY: Thank you.

(The following occurred in the courtroom in the presence of the jury):

BY MR. MURPHY:

Q. Mrs. Chambers, just a few questions more about the house so that the jury can understand what you were pointing to and what Mr. Cross was pointing to. Leaving aside now the question of the stone wall and railing, and just confining yourself to the house proper, that is a

wooden clapboard house, and you can see six windows on one side and two on the other. Is it your testimony that that [1361] part of the house is substantially as you remember it?

A. I think so.

Q. We can eliminate that now. A. Right.

Q. What you have serious question about is whether this stone wall here with these two windows and the railing existed when you were there in 1938, is that correct?

A. That is right.

Q. And your testimony is that there were no windows in the wall, in this stone wall? A. I believe it was simply an enclosure.

Q. An enclosure? A. Right.

Q. And you have no recollection of the iron railing on the top? A. No, I do not.

Q. Now, when you said that when you entered the door, you said you went in and then made two or three turnings or so? A. Made a left turn.

Q. And there was a landing. Did you think that the stairs went up straight or curved? A. I thought there was a landing after you got to the top.

Q. And then I think you said there was a tree there, did you? A. A forsythia bush growing against the wall with a kind of a trellis.

MR. CROSS: I am sorry, I could not hear that.

(Last question and answer read.)

MR. CROSS: She had never said there was a tree [1362] there.

Q. You didn't say there was a tree? A. I don't believe so.

Q. Then when you reached the top of the stairs going into the door, is that where you say there was a sort of a concrete porch of some kind? A. That is what I thought, sir.

Q. So that we are clear then, the house itself is substantially as you remember it? A. That is right.

Q. There was a wooden house then, do you recall?

A. I don't know, Mr. Murphy. It was white.

Q. But that is the way you entered, from the street you had to go through a door and a brick wall? A. Right.

Q. And then came up some steps and enter what you remember from the pictures would be the back of the house?

A. That is what I thought.

Q. Well, we will come to that: Now, you were shown this picture by the defendant's lawyer, Mr. Cross, Defendant's Exhibit AAA, which is a picture of 903 St. Paul Street. What is your recollection about the bells in that house, Mrs. Chambers? We are talking now about the time when you lived there. A. Mr. Murphy, my recollection is that there was a bell of the kind that you pull out, and it makes a terrific clang through the house. There wasn't any pushbutton, as I recall, nor was there more than one, I believe.

[1363] Q. In other words, it is your recollection that these bells shown quite clearly in this picture were not there?

A. I don't remember seeing them, Mr. Murphy.

Q. Did you see that on the inside of the house (indicating)? A. Decidedly not. We were the only tenant—we were on the top floor and we were the only tenant, and the bell—may I show you, Mr. Murphy? I believe it was here and was one of these pull things (indicating).

Q. Pull bell? A. Yes.

Q. Now, the witness has said that these two inside bells were not there, is that correct? A. That is right.

Q. And only this outside bell, and your recollection is that it was a pull bell? A. I think it was one of those pull affairs that you pull in order to make ring through the house.

Q. Now, this list that Mr. Cross had you take out of your bag, marked as Defendant's Exhibit BBB, you had not used that, had you, in your testimony when I was examining you? A. I have never used it.

Q. Never used it? A. No.

Q. Did you use it when you were examined in Baltimore?

A. I think I was looking at it when Mr. Marbury asked me what I was looking at and explained to him what the

paper was. He took both the copies away from me and I think kept it throughout the course of the deposition. And so [1364] he now has the copy, Mr. Murphy; he now has the other copy.

Q. In other words, you testified throughout your Baltimore deposition without these notes, either these notes that I have in my hand or the notes that Mr. Marbury still has? A. That is right.

Q. Did you ask to look at them during your deposition, if you remember? A. Yes, I believe I did. I found it difficult to remember the chronology correctly.

Q. And were you permitted to see them? A. No, they asked me to see if I could trust my memory or try my memory, which I did.

Q. Now, when you testified at the first trial did you use any notes? A. No, I did not.

Q. And when you testified on direct examination you did not use these notes either? A. No, I hardly remember—

Q. Do you remember how Mr. Cross would say, "If this would help you," do you remember once or twice? A. Yes.

Q. Did you ever look at this anytime to refresh your recollection? A. No, I did not.

Q. Would it be safe to say, Mrs. Chambers, that during all of your testimony, both in Baltimore and the first trial, and this trial, concerning events, some of them more than 14 years ago, that you are trying to give us and to give the jury then your best recollection of the facts? A. That is [1365] true, Mr. Murphy.

Q. Now, when you were examined in Baltimore you said that you could not remember what time you introduced Mrs. Hiss to Mr. Boucot, or these other people down in Smithton, and somehow or other the name Rogers had a certain ring to it; do you remember when Mr. Cross read you that?

A. Yes, I do.

Q. And do you remember when you were shown the passbooks yesterday afternoon by Mr. Cross? A. Yes.

Q. Do you think that the name Edna Rogers Breen

on those passbooks was the cause of that ring that you talked about in Baltimore? A. It could very well be.

Q. You had never seen those passbooks, let us say, in the last couple of years, had you? A. No, I had not.

Q. When do you think was the last time you had seen them?

A. The passport?

Q. The passbooks, those three bankbooks. A. Oh, I had not remembered that.

Q. Well, can we say, not to waste any time, for the last three years you did not see them? A. The bankbooks?

Q. Yes. A. I had not seen them for about 14 years.

Q. In other words, I had not shown them to you?

A. No indeed. In fact, I didn't remember that we had the bank account.

Q. And did I ever talk to you or show you the birth [1366] certificate of David Breen? A. No.

Q. Or the birth certificate of Ursula Breen?

A. No.

Q. I never even talked to you about it, did I?

A. That is right.

Q. Never showed you the exhibit? A. No.

Q. And when you saw them here the other day, yesterday, that was the first time you had ever seen them? A. That is correct.

Q. Ever seen them? A. Ever seen them.

Q. I am going back now to 1935? A. That is right.

Q. You had never seen them? A. I had never seen them.

Q. Were you constantly asking your husband during 1935, 1936, 1937, and 1938 what he was doing? A. No, indeed. That would not be proper. I accepted what my husband was doing and gladly so.

Q. If he told you that starting tomorrow we are going to Ypsilanti and your name was Hogan— A. We would go to Ypsilanti and we would be Hogans.

Q. And you were in sympathy with what he was doing?

A. Everything he did.

Q. Do you remember Mr. Cross handing you this passport late in the afternoon? A. Yes, I do.

Q. And he asked you whether you could recognize it?

A. Yes.

[1367] Q. Do you remember what your answer was? A. I believe I said it had an envelope over it.

Q. And then he did not ask you any more about it; but he did ask you where you got it, when did you first have it in your possession, I think? A. Yes.

Q. And do you remember that you said it was during the time that Mr. Chambers was either going to Baltimore to have his deposition taken— A. Yes.

Q. —or going to Congress to testify in Washington?

A. Yes, in the recent disturbances.

[1368] Q. And I think you said—

MR. CROSS: I think I did ask her where she put it, in a locked box, and she said the chicken house.

Q. Then you said you had it and put it in the chicken coop or house? A. Yes, I put it in the chicken house.

Q. And it was in an envelope at that time?

A. That is right.

Q. And that is why you could not recognize it?

A. That is right.

Q. Did you look at it then? A. No. I had never seen it.

Q. You did not look at the contents? A. No, I never looked at the contents.

Q. Now let's see: do you remember whether or not there was a time when your husband was wearing a mustache?

A. Yes, there was a time when he wore a mustache.

Q. When was that? A. I would say 1935.

Q. I show you this picture inside this passport and ask you whether that is a fair representation of your husband's face, or from his shoulders up, at that time?

A. Yes, I believe that is.

Q. That was a real mustache, wasn't it? A. Oh yes.

Q. You said you saw a number of people down at this little place on the Delaware, I can't think of it, some

young girls and a doctor, whose name you could not[1369] remember, Mr. Boucot, how about Maxim Lieber, did you see him? A. Yes, of course he was in the house.

Q. He was in the house? A. That is right.

Q. It was a sort of joint tenancy, was it?

A. It was. The house was gotten by Maxim Lieber. I believe we paid the rent together, half and half, but it was gotten in his name I believe.

Q. You don't know whether he is alive or not, do you? A. Maxim Lieber? Oh yes, I think he is living. In fact I read recently that he was very sick.

Q. Can you recall how many times you were at Hutzler's Department Store with either of the Hisses?

A. I remember at least twice, and possibly more. The two instances I referred to, the Hutzler's soda fountain shop, which is a distinct shop in itself, and the dining room. I do remember now shopping with Mrs. Hiss.

Q. Did you ever buy anything with her? When you say "shopping" I mean did you actually buy anything?

A. I don't remember.

Q. Were you present when she bought anything?

A. I think I was, but what it was I don't remember at this minute.

Q. Did it have any reference to any of the furnishings at Volta Place? A. We did see—I was referring to this chintz flower bedspread which we both saw at Hutzler's [1370] and which she later bought. I did not buy any. But it was not at the time I was with her that she bought it, and I am not at all sure it came from Hutzler's. It was exactly that pattern though—exactly that.

Q. When you were examined in Baltimore concerning the purchase of the car, did you know then whether or not you got the money from your mother-in-law or from Mr. Chambers?

A. No. The money was given to me by Mr. Chambers. I did not know then, nor did I know later when I spoke at the deposition, where the money came from.

Q. As a matter of fact in the Baltimore deposition you said you did not know where it came from?

A. That is right.

Q. I notice every once in a while, Mrs. Chambers, you close your eyes. Do you get a visual picture of something when you do that? A. Yes, I try to block out what I see before me now and try to remember some of things you ask of me.

Q. Is that because of your artistic training?

A. It could be.

Q. You were asked if you recall whether or not you ever told anybody in public about painting a picture of Mrs. Hiss before. Do you remember Mr. Cross asking you that? A. Yes.

Q. And he said, "This is the first time you said that", [1371] and you said you think you said it at the last trial.

A. Oh, I believe I did tell it before.

Q. Were you asked these questions at the last trial, Mrs. Chambers, and did you give these answers, at page 870:

"Q. Did you ever paint any paintings? A. Yes, that is true. While we were on the Delaware, and Mrs. Hiss was helping with the baby so that I could paint, I painted a landscape from the porch of the Boucot cottage, and that landscape I saw when I came back to visit them in Washington at the 30th Street address in the dining room, hanging very low to the left of the far wall. I believe I did one of Timmy and one, when I first went to P Street. I did do one of Mrs. Hiss but I don't know whether that was very successful and I don't know what has become of it. I probably destroyed it. It was in the sketchbook."

Did you give that testimony? A. I did.

Q. Then when Mr. Cross asked you whether or not you had ever mentioned your name Liza— A. Yes, sir.

Q. —and your recollection was that you had also said that at the first trial. A. Yes.

Q. Were you asked these questions and did you give these answers at page 892:

"Q. Excuse me, Mrs. Chambers. Now, what name did Mr. and Mrs. Hiss call you and your husband during the times that you have described? A. I was called Liza.

[1372] "Q. I beg your pardon? A. And my husband Carl.

"Q. I am sorry; I did not hear what they called you. A. Liza, and my husband Carl."

Were you asked those questions and did you give those answers? A. Yes, sir.

Q. Now will you tell the Court and jury the state of your mind at the time you prepared the letter to the Park School—why you prepared that letter?

A. I prepared it primarily, of course, to get a scholarship for our child.

Q. You had offered to do some of the sculpturing, had you? A. I was asked to resident sculpture the Park School. I did teach there and did have classes in sculpture. Our child had had a very fine playmate in a little boy who lived next to us at New Hope, and moving her back to Baltimore where we knew no one it was a little hard on her and I felt the need for our child to play with other children and went to visit the Park School and talked with both Mr. Hans Frollicher and Miss Coe. They informed me that it would be possible to get a scholarship for our little girl and the letter I wrote was at their request asking for a scholarship.

It was also in our minds that we had to begin to think of becoming people with roots and I wanted my child to have a normal life.

[1373] Q. Who was it that recommended the Park School?

A. It was Alger Hiss who recommended the Park School to me.

MR. MURPHY: You may examine.

Recross Examination by Mr. Cross:

Q. Did you ever testify to that before?

A. I am sorry, Mr. Cross, I did not hear what you said.

Q. Did you ever testify to that before? A. I think I did.

Q. Where? The first trial? A. I can't recall. Somewhere; the first trial or the deposition or in the grand jury. I don't know. Some place.

Q. With respect to this passport, Mr. Chambers gave it to you and asked you to put it somewhere for safekeeping?

A. For safekeeping from you folks and the Communists.

Q. From what? A. From you folks and the Communists.

Q. Is that what he said when he gave it to you?

A. That is what was my understanding. Lest the house be searched by either the Hiss people or the Communists I was to put it away in a safe, careful place, and I found that safe, careful place right back of the tar paper which lined our chicken house and just put it there and returned it to him when he asked me for it.

Q. Now this was before he went to testify before the House Committee? A. Some place. I don't know where.

[1374] Q. Was it before he went to testify before the House Committee? A. I could not tell you, sir. He was going some place where he did not want to take it with him.

Q. And that testimony he gave August 3, 1948, didn't he? A. I don't know.

Q. How long did you keep it hid? A. Oh, I don't know, just a short while.

Q. Do you know where it was before he gave it to you? A. No.

Q. Now, Mrs. Chambers, it appears here that you started your examination at page 444 of the Baltimore deposition on November 16, 1948, does it not (exhibiting transcript)? A. Yes.

Q. And when Mr. Marbury asked you "What is that memorandum you are reading from may I ask?", that appears on page 541, does it not? A. I guess so.

Q. And at that time you answered, when he said "What is that memorandum you are reading from may I ask?", you said "It is to the best of both of our recollections the chronological order of the places we moved to and our names, knowing that you were interested in that and I could not offhand just pick out of memory any date,

just as I am finding it difficult now, so I am just looking at that to refresh my memory."

That is what you stated at that time?

[1375] A. Yes, sir.

Q. Do I understand you say, Mrs. Chambers, when you were shown this picture of the W.C.T.U. that you did not have a bell with your name on it when you lived there?

A. That is right.

Q. I will read to you your testimony at Baltimore page 521 just before any mention was made of any slip of paper and ask you whether this question was asked and you gave this answer:

"Q. How did they find you when they went to look for you at the W.C.T.U.? Did they ask for Liza? A. In the first place Mr. Hiss was brought there by my husband. In the second place I believe our name was on the bell at all the places where we were, and "Cantwell" was on the bell and he probably knew us by that name if he looked at the bell tag."

Were you asked that question and did you give that answer? A. I was mistaken evidently just as I was mistaken this morning.

Q. The question is were you asked that question and did you give that answer? A. Yes. I am sorry.

Q. And you had the memorandum in front of you?

A. I guess. I don't know.

MR. CROSS: That is all.

[1376] *Redirect Examination by Mr. Murphy:*

Q. About this memorandum, Mrs. Chambers, when Mr. Marbury took it that was the first time you had looked at it, was it? A. I don't know, Mr. Murphy.

Q. For instance, when you started your deposition and he asked you where you were born, you had no occasion to look at the memorandum? A. Of course not.

Q. And when he asked you about going to school you had no occasion to look at the memorandum? A. That is right.

Q. And about where you had lived all these times?

A. That is right. I don't know how far we had gotten in the chronology before the memorandum was taken away from me. I don't think very far.

Q. When he asked you about moving out of New York and then coming back and attending the Rand School there was no need for that? A. There was no need for it.

Q. And how long you had stayed there and whether or not you were a Socialist, and so forth, there was no need for it? In other words you did not need to look at the memorandum until you had some recollection to be refreshed? A. That is right.

Q. And the only possible recollection to be refreshed was the places you were living or the names you were using?

A. That is correct.

Q. Now about the bell, so we can have a very clear [1377] issue put before the jury, no matter what you said at Baltimore, your testimony today is that your recollection is that there was only one bell and it was on the outside of the door? A. That is right.

Q. When you were asked about the bell in your Baltimore deposition, and how the Hisses got there, your first answer was that Mr. Chambers brought Mr. Hiss. A. That is right.

Q. And when you were talking about the bells that was your best recollection at that time?

A. That is right.

Q. And the more you think about it now you are convinced that there was no bell inside? A. That is right, and, Mr. Murphy, may I say this: that normally we knew when the Hisses were expected and we saw to it that the door was left open for them.

Q. I just want to get the issue quite clear to this jury that this picture does not represent the condition of the vestibule when you were living there?

A. That is right, and there were no bells.

Q. So that it is a clear-cut issue, these photographs I am now holding, as Defendant's Exhibit AAA, are not

a fair representation of the inside of that vestibule where it discloses the two bells?

A. That is right.

[1378] Q. Your recollection is that the only bell was on the outside of the house? A. That is correct.

Q. I want to get that awfully clear. A. That is right, sir.

Q. And in connection with the passport you never saw the inside picture of that, did you? A. I never did.

Q. Did you ever see a picture of your husband with a mustache? A. Yes.

Q. You did see a picture? A. Yes.

MR. MURPHY: You many examine.

MR. CROSS: No further questions.

MR. MURPHY: Thank you, Mrs. Chambers.

THE WITNESS: Thank you.

(Witness excused.)

MR. MURPHY: Your Honor, the next witness requires the exhibits, so maybe it would be an opportune time to have a recess and we can prepare it during that hour.

THE COURT: We will take a recess until quarter past two.

(Recess to 2:15 p. m.)

[1379] Afternoon Session

RAMOS C. FEEHAN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

MR. MURPHY: Your Honor, before I interrogate this witness I want to offer as part of Government's Exhibit 47-A, which is the distribution of the telegrams, the photostatic copy of the cable that Mr. Anderson sent me.

If you recall, right near the end of Mr. Anderson's testimony there was some question as to whether an outgoing cable by Mr. Hull to London, dated March 30, 1938, No. 134, was, in fact, distributed to at least Mr. Sayre's office; and there was introduced temporarily a white piece

of paper typewritten which was called Defendant's Exhibit YY, and which showed no distribution to Mr. Sayre.

Now, I have the original photograph from the microfilm of that cable, and ask that it be marked as part of Exhibit 47-A; and I will just point out to the jury that a copy was sent to Mr. Sayre's office. In fact, the first perhaps eight received it, and then skipped two, and then went down to two more, I guess, through the whole list.

Do you recall, your Honor? I had asked Mr. Anderson and it was a question of hearsay there.

THE COURT: Yes, I recall, Mr. Murphy.

MR. CROSS: No objection.

[1380] (Papers referred to marked as part of Government's State Exhibit 47-A.)

MR. MURPHY: And I have given Mr. Cross a copy.

MR. CROSS: And while we are referring back to papers that were spoken of during Mr. Anderson's examination, Defendant's Exhibit marked VV, the short Jones memorandum that has some longhand notation at the bottom, it was stated at the time that the short Boyce report of January 18, 1938, a photostatic copy, would later be secured and physically attached to Defendant's Exhibit VV as a part of that exhibit. It has now been so done.

Direct Examination by Mr. Murphy:

Q. Mr. Feehan, you are a special agent, are you not, with the Federal Bureau of Investigation? A. Yes, sir.

Q. And how long have you been with the Bureau?

A. Since January 10 of 1935.

Q. And during that time where have you been assigned?

A. I was assigned to various sections of the Bureau from 1935 to 1938 at the seat of Government, and at 1938 I went into the Document Section, and have been in the Document Section up to the present time.

Q. And that is the section of the FBI that examines documents? A. Yes, sir.

Q. Now, prior to going to the Bureau will you tell the jury, please, what your education was? A. I have a

Bachelor [1381] of Education degree, and taught three years in the public schools of New Hampshire.

Q. Since you have been in the Document Section of the Bureau, what, generally, has been your experience there?

A. Well, I followed a prescribed course of study in the laboratory, and it was directed and supervised. I attended lectures, read books, attended conferences, and worked as an apprentice for three years under qualified examiners; and, of course, examined many thousands of specimens.

After a satisfactory apprenticeship I was granted the privilege of making examinations under my own responsibility, and since that time I have examined thousands of cases involving many thousands of specimens, and I have qualified in Federal, State and Military courts in this country.

Q. As a matter of fact, Mr. Feehan, you testified at the last trial, did you not? A. Yes, sir.

Q. Now, did you, while you were in the Document Section—or, rather, while you were in the Document Section were you acquainted with various reports in this case? In other words, were you kept abreast of its development? A. No, sir, I had nothing to do with the investigative angle. The only thing that I had were the letters transmitting evidence to the laboratory.

[1382] Q. In other words, your sole duty was to pass upon documents? A. Yes, sir.

MR. MURPHY: Now, before we come to the typewritten documents I am told by Mr. Cross, your Honor, that I can announce to the jury on Mr. Cross's say so that he will concede that Baltimore Exhibits 1, 2, 3 and 4—those are the four small handwritten notes—are in the handwriting of the defendant, Alger Hiss.

MR. CROSS: That correctly states our position, and I think, Mr. Murphy, if you don't mind stating to the jury, that we have tried to stipulate with reference to the typing of the documents except 10, but we were not able to agree on all points.

MR. MURPHY: That is correct, your Honor. We tried to work out a stipulation on the typewritten documents, but we could not see eye to eye, and the endeavor was abandoned.

Q. Now, Mr. Feehan, did you examine certain typewritten documents which I hand you, and which we all have come to know as Baltimore Exhibits 5 to 47? A. Yes, sir.

[1383] Q. And as part of that examination did you have them photographed and enlarged? A. Yes, I did.

Q. And these exhibits that the jury is now looking at represent the exhibits to my left?

A. Yes, sir, on the jury's right.

Q. And did you in examining those documents examine what we lawyers call certain known standards?

A. Yes, sir.

Q. And were those these various letters that have already been introduced, one addressed to Mr. Hillegeist at the University of Maryland, and the president's report for the year 1936-1937 of the Bryn Mawr Alumnae Association and that other one a description of Timmy Hobson, do you remember that, and a letter to the Philadelphia Free Library? A. A letter to Miss Hellings.

Q. Those are Exhibits 34, 39, 46, 37—and were there five in all? A. There were four specimens.

Q. You had those photographed and enlarged?

A. Yes, sir.

Q. And as a result of comparing the Baltimore documents with what we know as the known standards, what conclusion did you reach? A. I reached the conclusion that the same machine was used to type Baltimore Exhibits 5 through 9 and 11 through 47 that was used to type the four known standards which were submitted to me for comparison [1384] with the questioned documents.

Q. In other words, you are telling us now you have omitted Baltimore 10, have you? A. Yes, sir.

Q. Omitting Baltimore 10, the conclusion that you have arrived at is that all of the other typewritten Baltimore documents, 5 through 47, were typed by the same

machine that typed these known standards? A. With the exception of No. 10, yes, sir.

Q. And your conclusion with regard to No. 10 was that it was not typed on that machine?

A. That is right.

Q. Now would you come out of the witness chair and point out to the jury some of the evidence which you discovered which made you come to that conclusion.

(Witness complies.)

A. These are the questioned photographic enlargements on your right (indicating) and these are the known photographic enlargements, that is, the standards, on the left.

The figure "1" refers to the small letter "g"; in the questioned exhibits we find the small letter "g", the bottom loop of this "g" on the right hand side contains a defect, and this defect is in the form of an indentation. The loop of the small letter "g" at the bottom instead of coming around in the normal fashion, on the righthand side there is an indentation. This may have been caused when [1385] the character was made or else something has happened to the character on the machine, the small letter "g", during the years of its use.

The characteristic of this small letter "g" is very manifest when you can get close to it, and this defect appearing in the small letter "g" not only appears in the word "Sangyo" in the small letter "g" but it appears on also other g's which appears in the small letter "g" in the word "arrange" appearing on Baltimore Exhibit 5.

It appears in the small letter "g" in the "Mailing" in Baltimore Exhibit 6, and wherever this figure 1 appears on any of the other specimens it will be assigned to this same characteristic, and this characteristic does show in the small letter "g" in the questioned specimens.

In the four known standards the small letter "g" in the word "photograph" appear on this one, Exhibit 34, as this same type of defect on the bottom half of the "g". On the righthand side there is a little indentation. It should not be there if the letter was correctly formed.

Going back to the questioned exhibits on Baltimore 5, the figure 2 points to the small letter "e" and this in the word "meet". The lower terminal of the small letter "e" should end in such a manner that the bottom [1386] half of the small letter "e" should continue around in a gradual uninterrupted arc but it is interrupted at the very end of that terminal stroke. Instead of coming around smoothly it comes around nearly to the end and then there is a sharp up-thrust on the end.

This letter possibly was malformed when it was made or else the use of the machine through these years some accident happened to that particular letter and the impression is shown at the bottom terminal stroke of this "e" ending in a sharp up-thrust.

This characteristic also holds on other e's on others of these specimens that have been designated with the numeral number 2.

In the known standards in the word "together" the small letter "e" and the same stroke of that letter end sharply with the up-thrust and it does not continue around in an uninterrupted arc as it should if perfectly formed.

Now that is on Exhibit 34.

On Exhibit 39 in the word "benefits" in the fifth line of type the same characteristic is shown, and on any of these other e's the word "meet", the "e" in the word "one" and the "e" in the word "seems"—both e's—and the "e" in the word "richer" and so on.

The next characteristic is the small letter [1387] "i". This small letter "i" rides slightly below the line of typing. I mean by that, that is if there was a line drawn on the line of typing all the way across the "i" is slightly below that line of typing, not very much to be sure, but it is there. That is on Baltimore No. 5. It appears again in the word "completion" on Baltimore No. 6. In the word "Marquis" in Baltimore Exhibit 6, and also on other i's on these questioned specimens.

In the known standards the small "i" in the word "in" is riding slightly below the line of typing. The "i" in "possible", Government's Exhibit 34, is also riding be-

low the line of typing. The i's in "registration" and the "i" in "kind" on Government's Exhibit 39; the small i's in the word "district." And the "i" in the word "first" and so on.

Going back to the questioned exhibits, Baltimore 5, the small letter "o" is shown as being printed lightly on the left and it is heavier on the right. That "o" appears in the word "report" and also another in the word "Manchuko" and the "o" appears in the word "no", "possible", "Boyce", and the "o" in "company," and other specimens where this figure 4 is shown which is assigned to this characteristic, such as the word "control". We have the lightness of the "o" showing on the left side and the heaviness showing on the [1388] right side. That is Baltimore Exhibit 8, page 5.

In the known specimen No. 34 we have the same occurrence taking place in the small letter "o" in the word "course", the letter "o" in the word "today", the letter "o" in the word "college", and the letter "o" in the word "before". This is Exhibit 46-B. And we find the same occurrence taking place on page 2 of that exhibit in the word "two". The "o" is printed heavier on the right and lighter on the left. The "o" in the word "of" shows that same characteristic.

The figure 5 indicates the small letter "u" in the ending stroke of this we call the ceriph. The stroke should be on this right side of the lower part of the letter "u" in a horizontal position, but instead of that this small letter "u" has this ending stroke of the "u" coming from high left to low right instead of going across the way it should. It comes down.

Now from a study of the characteristic appearing on all of these other specimens in this small letter "u" it appears to me that the upper part of this small extension or ceriph is worn away and that the lower inside part of the extension on this small letter "u" is worn away and that would cause the appearance of this ceriph to be in the position such as this (indicating) running in the horizontal position.

[1389] In Exhibit 34, of one of the known standards, we have the same occurrence taking place. This extension on the "u" in the lower right side, instead of being horizontal with the line of typing as it should be gives the appearance of being tilted so that it is in sort of a diagonal position, running from high left to low right.

That also appears on the other three known standards. Taking one at random is the letter "u" in the word "misunderstand." Instead of there being a horizontal ceriph, the ceriph runs from high left to low right.

The next characteristic is a small letter "d"; going back to the questioned specimens on Baltimore Exhibit 5, we find that the lower ceriph which should be on the lower right side of the small letter "d" as is shown in the word "industry" is not manifest. That is, it is not there. Now, this ceriph should be on a line that corresponds to the line of writing and should extend out a great deal more than it does here. It can be seen to a very small extent. It is a very small ceriph and it should be much larger, but due to wear or the fact that it may have been broken or the fact that it may have been miscast in the making, the ceriph that should be there is not there, but there is a small ceriph there which is much shorter. In other words, it should be much longer. That holds true [1390] in the u's appearing in Government's Exhibit 5 in the word "doubt"; the small "u"—no, it is a "d", excuse me—the small letter "d" in the word "doubt"; the small letter "d" in the word "industries"; or in Baltimore Exhibit No. 8, page 4, the small letter "d" in the word "industry"; or in the small letter "d" on Government's Exhibit No. 8, page 9, in the word "held" or where other d's appear in these specimens.

Going to the standard, No. 34, we find the small letter "d" in the word "expedite" in the lower right side, the ceriph is not printing as it should. It is a very short ceriph and it is not clear or as long as it should be.

In the word "avoid" the ceriph in the small letter "d" is the same as we have been talking about.

In the word "discipline" the small letter "d" has that ceriph on the lower right side not printing long as it

should be but is short, very short, almost unable to be seen.

The next characteristic is the small letter "a". The bottom part of the small letter "a" prints heavier than the top part. That is, on the line of writing, the "a" appears to be much heavier. The impression is much heavier. This "a" appears in the word "as"; this "a" also appears in the word—well, it should be "states" but it is spelled "tates" and the "s" is high.

[1391] It appears again in the small letter "a" in the word "capital" on Baltimore Exhibit 5. This appears on other of the questioned specimens.

There is the "a" in the word "company" on Baltimore Exhibit No. 8, page 5. Again in the small letter "a" in the word "fiscal" on the same specimen; the "a" in the word "and"; the "a" in the word "association"; the "a" in the word "regard."

On the standards we have an "a" in the word "transcript" which is shown as printing heavier on the bottom than on the top; the "a" in the word "pharmacy" on Exhibit No. 34; the "a" in the word "matters."

Now, Exhibit 46-B, page 2, the "a" in the word "happiest"; the "a" in the word "familiar."

The next characteristic indicated by the numeral "8" points to the small letter "r". The "r" in the word "investors" is leaning to the right. I found this happening from one degree to three degrees, this small letter "r" does lean to the right. There is a looseness in the character possibly due to the levers carrying the character up to the paper for printing being loose, and that would cause a variation of one to three degrees.

Q. Is that one to three degrees by actual measurement?

A. Oh yes.

On Baltimore No. 8, page 2, there is the small [1392] letter "r" leaning again to the right in the word "other."

In the standards, X-34, the "r" in the word "extremely" is leaning to the right; the "r" in the word "photo-

graphs'' is leaning to the right; the ''r'' in the word ''misunderstand'' on Government's Exhibit No. 46, page 2, is leaning to the right; and the ''r'' in the word ''humor'' on this same specimen is leaning to the right; and the ''r'' in the word ''received''; the ''r'' in the word ''routine.'' It is consistent in both the questioned and known specimens.

The small letter ''l'' on Baltimore No. 5, the ceriph at the bottom, or this line that runs across the bottom of the ''l'' is heavier on the right side of the staff of the letter ''l'' than it is on the left side. It prints heavy on the right side; it prints light on the left side. That ''l'' is in the word ''possible'' on Exhibit Baltimore No. 5; it is also shown again in the same exhibit in the letter ''l'', the word ''holding''; and in the word ''development'' and the two l's in the word ''well''.

On the known standards,—I think this is Government's 34—this same characteristic is shown in the ''l'' in the word ''application''; in the ''l'' in the word ''extremely''. That is, the bottom ceriph is printing much heavier on the right than it is on the left.

Government's No. 39, the ''l'' in the word ''accomplished''; the ''l'' in the word ''scholarship''; the ''l'' [1393] in the word ''club'' has the same characteristic.

On Baltimore No. 5, questioned exhibit, in the capital letter ''A'', the ceriph on the right leg shows it printing heavy, and the ceriph on the left leg of the capital letter ''A'' is shown as printing much lighter. This is also shown in the word ''A'' at the top page of typing; it is shown in the word ''America'', the capital letter ''A'' all having the ceriph on the right side of the leg printing heavier than on the left side of the leg.

In Government's Exhibit 34, in the word ''Alger'' the capital letter ''A'' shows the same characteristic, that of the ceriph on the right side of the capital letter ''A'' printing heavy and the ceriph on the left side of the leg of the capital letter ''A'' printing lightly.

And as a result of not using only one of these characteristics but by using all of these characteristics, I reached

the conclusion that the Baltimore Exhibits 5 through 9, and 11 through 47 were typed by the same machine, the Woodstock machine that typed the four known standards, Government's Exhibits 34, 39, 46-D and No. 37.

BY MR. MURPHY:

Q. Mr. Feehan, have you examined each of the documents?

A. Oh yes, all of them.

Q. And each have been photographed and enlarged?

A. Yes, sir. And these numbers that appear on these [1394] specimens hold true for the same characteristics throughout the specimens.

Q. In other words, if we took anyone just at random—you did not seem to go too far, but let us go back to 12, you have the same markings on them, is that right?

A. That is right.

Q. And you have done the same on the known standards?

A. Yes.

I should like to show Exhibit No. 10.

Q. All right. A. Let us go back just a little.

THE COURT: Can you all see perfectly well?

JURORS: Yes.

THE WITNESS: This Exhibit No. 10, Baltimore No. 10, and this is the typewriting that I examined and compared with the four known standards, the Woodstock machine, and I concluded that this specimen was not typed by the same machine which typed the four standards and the other Baltimore typed documents. And I think you can readily see by the fact that there are different styles of letters used.

This small letter "r" you might note in the word "comintern," on the right it is shaped more like a ram's horn, where the small letter "r" on these other specimens, in the word "dear" it is not so round on the end but has a tendency of floating across in a straight line. The [1395] letter "a" in the word "unthinkable" in Baltimore's No. 10; the bulb above the letter "a" sets much further down the height of the letter "a." In other words, the

upper part of the "a" is much further above the lower bulb than appears on these four standards. Taking the letter "a" in the word "entrance," you can see how close it is to the top part of the letter. And No. 10 is written on a different machine than the other specimens.

Q. Now, Mr. Feehan, did you also examine the microfilm enlargements that we know as Government's Exhibits 11 and 12?

A. Yes, sir.

Q. Now, the enlarged photographs of the frames on the microfilm are on the jury's right, are they not?

A. Yes, sir.

Q. And then marked up on the top, commencing with Baltimore 48, and you have them in different groups, but they represent all of the pictures that are on the 58 frames of the microfilm, is that correct? A. That is right.

Q. And then on the jury's left you have enlarged photographs of the exhibits that we have marked with a corresponding number but with the phrase in front "State 48, 50, 51"?

A. That is right, yes, sir.

Q. And you have compared the microfilm photographs with the original document, have you not? A. Yes, sir.

Q. And, generally speaking, you have found that they [1396] divide themselves into four different categories, is that correct? A. That is right.

Q. Could you tell us what the four categories are, and then I will ask you to point them out specifically?

A. I found that 17 pages of documents represented by photographic enlargements of the microfilm and 17 corresponding pages of State Department documents were made in 17 common typing runs. Now, by a common typing run it might be explained, taking two pieces of paper, putting a sheet of carbon between them, and insert them into the typewriter. You type your message on the paper, remove the two sheets of paper, remove the carbon from the two sheets of paper. The top piece of paper will be the original of the State Department document, and the carbon copy will be the document on the microfilm. And that was

done 17 times so that we have 17 specimens here. We have 17 specimens represented by photographic enlargements of the microfilm that came from those 17 common typing runs.

Q. Well, with regard to those 17 pages, would it shorten it any to say that they are carbon copies? A. Yes, they are carbon copies.

Q. In other words, the common typing run means whatever the document was as the result of one impression on the keys?

A. That is right.

Q. All right. Now, those common typing runs or carbons [1397] represent what group there, the first group? A. Yes, sir, the first group, the first 17 pages.

Q. Now, the second group that you found? A. Now, as the result of studying this second group and comparing them, I found that there were five pages of photographs representing photograph enlargements of the microfilm, and five pages of State Department documents that are different. Now, that is the microfilm five pages representing different documents than the five corresponding sheets of State Department documents. Although the same wording appears on both the five pages of the microfilm documents and their corresponding five pages of State Department documents.

Q. In other words, these five pages were not typed at the same time, is that correct? A. That is right. These are all different documents entirely than these five pages of State Department documents.

Q. Although the wording is the same? A. Although the wording appears the same on both.

Q. Now the other category. A. As the result of comparing and studying 26 pages of State Department documents and 26 pages of photographic enlargements of the microfilm, I concluded that either there were 26 pages of the microfilm enlargements that are photographic reproductions of the 26 pages of State Department documents, or else both sets came from 26 common typing runs.

Now, I could not be sure from my examination which of these two things it really is, but it has got to be one or the other. Now, the reason why I could not reach a definite conclusion from my examination and comparison of these 26 pages of the microfilm enlargements and the 26 pages of State Department documents, that as far as common typing runs are concerned, we have to watch the value that is attached to the impressions themselves. In other words, a small letter "a" appearing in a document over here (indicating) would be heavily printed in one place, and that same character, the small letter "a" would be very lightly printed in another place. Wherever that appears in the questioned documents, it also should appear in the carbon copies, and that I found to be true. In other words, everything pointed to a fact that these were—these 26 pages were common typing runs of the State Department 26 pages of documents.

However, when you go into it deeper you find that in these documents which are photographs, if they are photographs of the State Department documents, there should be found little imperfections in the paper that would be on the State Department documents that as a result of photography would appear in the microfilm documents, and that I found to be true.

On the other hand, there were certain little [1399] spots appearing on some of these 26 pages of State Department documents that are not on these corresponding pages of microfilm. And there are spots appearing on the pages of microfilm that are not on the State Department documents.

Now, that can be explained by saying—I am not saying that it is so—but I think that possibly dust appeared on the State Department documents at the time that the photographs were taken. At the time of my examination this dust had blown away, and therefore what might have been imperfections in the paper, or might have been dust, I could not determine. But they are either photographic reproductions of the State Department documents, or else they are common typing runs. They are very closely associated and bear exactly the same wording.

Q. You say the microfilm can be either a photograph of the original— A. That is right.

Q. —or if it is not a photograph of the original, it is a photograph of the common typing run when the original was made? A. Right.

Q. I see you have a point here to a dot. Do you have a dot? A. Yes, that is one of these little dots I found that appears both in the microfilm enlargement and also over here on the State Department documents (indicating).

Q. I see you have an arrow on the "a" (indicating).

[1400] A. Yes, and that is the fact that this prints very heavily (indicating), much heavier than it should, and appearing here also which is characteristic of the common typing run. But I lean to the fact that they are probably photographs.

Q. Now, what was the other category? A. From my examination of the final ten pages of the State Department documents and the ten pages of the photographs represented in the microfilm, I concluded that the ten pages of the documents represented by photographic enlargements of the microfilm came from the same ten stencils as was used to prepare the ten pages of State Department documents.

Now, a stencil is made up of a commercial piece of paper, usually blue in color, and it has very tough fibres, and it is attached to a thin piece of cardboard. That is inserted in the machine, and the characters of the keys are typed, and the message appears on this piece of paper in a form that shows the character of each impression of the typewriter as penetrating or cutting the paper. It goes through it, and therefore we call it a stencil. And that stencil is taken to a machine which consists of a round drum which is filled with printer's ink. There is an appropriate space on that drum for this piece of paper or stencil to be placed, and then there is a crank on the end of the drum which is rotated and brings the pieces of paper [1400a] in juxtaposition with the machine; and as this stencil comes round and hits the paper, the message is imprinted on the paper, such as is done in this case.

And I concluded that the same ten stencils were used to type ten pages of the State Department documents, and a corresponding ten pages of documents that are represented here by photographic enlargements of the microfilm.

MR. MURPHY: Thank you, Mr. Feehan.

[1401] *Cross Examination by Mr. Cross:*

Q. I think, Mr. Feehan, it might be better for you to just stay down here because you may want to refer specifically to the documents as I go through them.

Now first turn to Exhibit 48, that is State document 48, the photographic copy of which appears here on the left. That consists of two pages?

A. Yes, two pages.

Q. Now the microfilm enlargement of course does not have the letterhead "Department of State. Division of Trade Agreements", does it? A. No, sir.

Q. Nor does it have this stamp "Assistant Secretary of State. January 11, 1938. Mr. Sayre"; and that appears to have been superimposed on the word "January" does it not—the stamp? A. It has been stamped on this document, yes, sir.

Q. After the date had been written in, of course?

A. Probably so.

Q. And neither the letterhead nor that stamp appears on Baltimore 48? A. That is right.

Q. And then there is this "A-S" with the check mark there. Does that appear on Baltimore 48?

A. No, sir.

Q. Then on the second page of course the State document has the signature "Harry C. Hawkins" which does [1402] not appear on Baltimore 10? A. That is right.

Q. And then it has the initials here, apparently for—I think we identified that as Mr. Darlington's signature—that does not appear on the Baltimore exhibit?

A. No. You see they are different sized documents, Mr. Cross. This (indicating) is a much smaller one than the other.

Q. Aside from the size, neither the signature "Harry C. Hawkins" nor this initial appears on Baltimore 10?

A. That is right.

Q. Now on page 2 do you find a correction in ink, page 2 of document 48, do you find a correction in ink?

A. You mean in the word "Division"?

Q. In the sixth line from the bottom of the second page of State document 48 you find after "Division" the letter "S" added in the State document, do you not?

A. It is on State Department No. 48. It is not on Baltimore 48.

Q. And it is not on Baltimore 48? A. That is right.

Q. So that except for the differences that I have pointed out, Mr. Feehan, Baltimore 48 is a carbon of State document 48? A. The typewriting.

Q. But without the letterhead and without the initials and without the signature and without the correction of the letter "s"? A. The letter "s" in the word [1403] "Divisions", that is right.

Q. Now Baltimore Exhibit 50, is that a carbon of State document 50? A. Yes.

Q. That is an enlargement of a microfilm of the carbon? A. That is right.

Q. Of State document 50? A. Yes, sir.

Q. When you use the term "common run of carbon", Mr. Feehan, do you mean by that the carbons made with the original typing? A. Yes, sir.

Q. The first impression you call the ribbon copy? Is that the correct terminology? A. The top sheet of paper is the machine copy, what I usually call the original copy, because that on top receives the first impression.

Q. The term has been used here "ribbon copy."

A. Yes, sir. That is all right.

Q. Ribbon copy would mean the same as the first impression or the original? A. The top sheet.

Q. The top sheet? A. Yes, sir.

Q. And the microfilm of Exhibit 50 is one of the common carbon copies of State document 50? A. Yes, sir.

Q. Of course you can't tell which one of the carbons? A. No, sir, I cannot.

Q. Now may we turn to— A. Page 1 of this document addressed to Mr. Hawkins?

Q. Yes. A. That was one of the non-items. I stated [1404] it was a different original than the State Department document.

Q. May we turn to that? A. (Complying) Is that the one you refer to?

Q. Yes, thank you. Of course you do not have the letterhead or the stamp that appears on State document 50 on Baltimore 50 on the first page? A. No, sir. This is not a carbon copy of the State Department document, Mr. Cross. This is a photograph of a document. That is not this State document here (indicating) which it corresponds to in wording. So it is a different document, and not that one either. (Indicating.)

Q. How many pages of this Exhibit 50 is a copy of a copy? Let me rephrase it: you say that Baltimore Exhibit 50— A. Page 1.

Q. —page 1 is not a carbon of State document 50? A. Page 1, that is right.

Q. But it is another typing? A. This is photograph of another document than this one here (indicating)—another typing. That is right.

Q. Now can you tell me or tell his Honor and the jury whether page 1 of Baltimore 50 is a microfilm of the original, the first impression or the ribbon copy, or whether it is a microfilm photograph or enlargement of the microfilm photograph of a carbon?

[1405] A. Oh, this is a photograph of a carbon (indicating).

Q. So that not only is page 1 a different typing—

A. Page 1 of State Department 50 you mean?

Q. Yes. Not only is Baltimore Exhibit 50, page 1, a microfilm copy of a different page 1 of State document 50, but it is a carbon of another typing?

A. That is right.

Q. And that was one of how many pages? A. That is the only one. That is the Hawkins letter. The first page is the only one of this type. The other 15 pages, the microfilm, represent carbon copies of the 15 pages of the Hawkins letter beginning with page 2 and running through 16.

Q. That is what I want to bring out, Mr. Feehan. That is, you have in Baltimore 50 how many pages, in the Darlington memorandum to Mr. Hawkins, dated December 31, 1937? A. In the Hawkins letter I believe there were 16 pages. I can check this to be absolutely sure. Yes, there were 16 pages in the Hawkins letter.

Q. And page No. 1 of Baltimore 50 is a microfilm copy of the second typing of page 1 of State Department—

A. Not of the second typing. It is a photograph of a carbon copy.

Q. Of a second typing, isn't it? A. No. It is all in one typing. It is some other copy than the top sheet [1406] that was used in one typing run and which was a different typing run than the typing run that was used to type the State Department page 1 No. 50.

Q. Maybe I did not make myself clear. The first page of Baltimore 50 is not a carbon of the first page of State document 50, is it? A. That is right.

Q. And tell his Honor and the jury why you know that is not so? A. Well, because of the fact that I examined the typewriting appearing on page 1 of Baltimore No. 50 with the page 1 of State Department No. 50 and I found that in the State Department No. 50, page 1, in the word "returning" the "r" and the "e" are so close together that they are actually touching, where in Baltimore 50, page 1, the "r" and the "e" are not touching. They are further apart. So therefore they could not have been made with the same typing run.

I found in the word "proposal" in Baltimore 50, page 1, in the combination "ro" there is a normal separation between the "r" and "o" in the word "proposal", whereas in the "r" and "o" in the word "proposal" in State Department No. 50 they are so close together that the "r" is overlapping the "o".

Q. Haven't you overlooked, and I am sure it is inadvertent— A. You mean the same appearing on the righthand side?

[1407] Q. No, something else. Where is the word "in"?

A. I have that in mind. The word "in" in State Department 50 is on the righthand side of the page, whereas in Baltimore 50, page 1, the word "in" is on the lefthand side of the page. However, the documents still hold the same wording.

Q. I had so understood it, but my point is, obviously the first page of Baltimore 50 is a carbon of another typing than the typing of State document 50, page 1?

A. You are right.

Q. Now let us turn to page 13 of this document, page 13 of Exhibit 50. A. (Complies.)

Q. Now on page 13, line 6— A. A correction after the word "regards"?

Q. Yes. Would you first point the correction or the addition of the word "s" in State document 50 to his Honor and the jury—on the State document 50.

A. It is line 6, page 13, State Department 50, and this is line 6 (indicating) of page 13, Baltimore No. 50.

Q. And that is a different writing? A. Different writing?

Q. Yes. A. I don't know, sir. You mean was this "s" made by the same person who made this "s" (indicating)?

Q. Yes. A. I don't know. It is impossible to tell.

[1408] Q. Is that "s" in ink or in pencil? A. Pencil.

Q. And the "s" on the original here is in ink, isn't it? A. I am not sure. I don't remember.

Q. Well, there is obviously a different color.

A. Well, that might be due to photographic principles. I am not sure. We have this in evidence and I could get this and look at it and show it to the jury, and they can see for themselves.

Q. Had you compared that? A. Yes. There was no need to compare this small letter "s" in the word "regards" in both documents to tell whether or not they came from the same typing run.

Q. I was referring to the addition of the letter "s".

A. As to who wrote it?

Q. Yes. That is to say whether the same person who printed the small letter "s" here (indicating) printed that same "s" here (indicating). I say they are different s's.

A. But not indicative of another person, if that is what you mean.

Q. Can you tell one way or the other?

A. I can say from my personal experience in watching typists work in the Federal Bureau of Investigation when they are typing a number of documents under three or four sheets of carbon, when they make a mistake the pages are taken out of the machine and the mistake is corrected, [1409] or else the pieces of paper are rolled up far enough from the platen of the typewriter so the correction can be made, or if such a report came back from my desk and I wanted to make the correction I would not want somebody else to make a letter "s" on the original and I would make a letter "s" on the carbon copy. I would make both corrections because of the fact that the carbon would be attached to the original before it clears the office. That is my own experience.

Q. As a matter of fact it is not your suggestion that the "s" was added in both cases by the typist, is it?

A. I don't know.

Q. When you speak about the practice in the FBI—

A. I would not send out a report like that in the first place with a pencil correction.

Q. Now on page 16 may we see those? A. (Complies.)

Q. In page 16 of State document 50 there are three other pencil or ink initials, the 16th page of State document 50? A. Yes, sir.

Q. And they don't appear— A. Not in the corresponding microfilm photograph?

Q. Yes. A. No, sir. They do not.

Q. Now Exhibit 51: on the first page of State document 51 appears some shorthand characters preceding the name "Hawkins." A. Yes, sir.

[1410] Q. And then the date "December 31 '37" and then "Not sent. File with memo" and "FU" and "UBL" and a file number. None of those notations appear on the first page of Baltimore 51? A. That is right.

Q. Now page 4 of that exhibit: on page 4 of State document 51 appears above "Darlington" some initials there. Can you make those out?

A. I can see initials there.

Q. I think someone said it was Mr. Darlington's and then "HH", "WF", "EU", "ES" and none of those appear on Baltimore 51, page 4? A. No, sir. That is right.

Q. Now with regard to all four sheets or pages of Exhibit 51 that we have just been looking at, the microfilms of Baltimore 51 are microfilms of the typing of State document 51? A. No, sir. Those are photographs of pages of documents that are different. They are different documents than these four pages of State Department documents although the wording appearing on both are the same, as I testified.

Q. Will you tell us again your reasons for that conclusion? A. Well, it is the same as I explained previously. Now in this page 4 of State Department 51 the word "the" in that top line of type, the "th" is [1411] in a rather normal position, whereas the "th" in the word "the" in Baltimore Exhibit 51, page 4, the "th" is in a normal position but there has been some sort of a type error that has taken place that can be seen between the small letter "t" and the small letter "h" and in that word "please" on State Department's 51, page 4, the next to the last line, the top of the "l" and "e" are in a normal position where the "l" and the "e" in Baltimore's No. 51 is very much further separated, which shows that this is a photograph of a different document than its corres-

ponding State Department document 51, page 4, although it contains the same wording.

Q. And you found internal evidence on the other three pages of Baltimore 51 to lead you to the conclusion that all four pages of Baltimore 51 were microfilms of a different document, although having the same wording, a different document than State document 51?

A. And the first page of the Hawkins letter.

Q. I passed that. I am just now restricting it, Mr. Feehan, to 51. A. That is right.

Q. All four pages are microfilms of a different typing? A. That is right.

Q. By that you mean it was not any carbon of the common run of carbons? A. That is right.

MR. CROSS: Now may we see Baltimore Exhibit 52?

[1412] (Exhibited.)

Q. Now this is the one, Mr. Feehan, that you said was either a photograph—that is Baltimore 52—either a photograph of the actual document, State document 52, or of a copy, a carbon copy? A. They both come from the same common typing run, yes, sir.

Q. Now State document 52—you have seen the original of that? A. Yes, sir.

Q. Was that the first impression, or the ribbon copy?

A. Yes, sir.

Q. It was a ribbon copy? A. Yes, sir.

Q. Now what is Baltimore 52? A. I don't know. That is why it could either be one thing or the other. If it is a photograph this would be the same document as that one there (indicating). If it is a common run this would be a carbon copy (indicating).

Q. But Baltimore 52 does not have the file number 611.6231/987 in the margin? A. Which indicated to me that if this is a photographic reproduction of that (indicating) this was photographed before this was even sent to the stamping place.

Q. That is true, but don't you know what the practice in the State Department was at this time as to whether it

was sent to the filing room for a file number before or after? A. If this is a photograph of this print here [1413] (indicating) I do know that this photograph would have been taken before this number was affixed.

Q. It would have to be of course. A. Yes, that is right.

Q. And as to the time of putting the file number on this document of course you have no knowledge and you made no inquiry? A. I have no knowledge of how the State Department handles their papers.

Q. That is right. A. No, I do not, no, sir.

Q. Now Exhibit 53: with reference to Baltimore Exhibit 53 that is either a photograph of the State document 53 or of a carbon copy? A. Yes, sir.

Q. Now 54 and 55. A. You want 55, don't you? I have had 54.

Q. As I understand your testimony, Mr. Feehan, it is that Baltimore 55 is a microfilm photograph, enlarged, of a stenciled copy of State Department 55?

A. Maybe we would put it this way: that the microfilm and 10 pages of this microfilm, Baltimore 55 and 54, and State Department's 54 and 55, were made by the use of 10 common stencils. In other words, a stencil that prepared State Department page 1, No. 55, also was used to prepare Baltimore No. 55, page 1.

MR. CROSS: May I see, Mr. Murphy, the Government's original of 55, page 1?

[1414] MR. MURPHY: The microfilm?

MR. CROSS: No, the State document.

MR. MURPHY: I think Mr. Anderson took that back.

Q. Can you tell, and do you know, Mr. Feehan, whether State document 55 is a yellow copy or a white copy?

A. I could by referring to my notes. I think I could tell you the color.

Q. My purpose in asking is that it has appeared that there was a copy on yellow paper of incoming cablegrams that was called the "action copy" and then they made a

number of copies on white paper called the "information copy" and since the original has gone back we cannot tell the color. A. It is my recollection these were on yellow, though I cannot state for sure.

Q. Do you have your notes here? A. Yes, I do.

Q. Will you refer to them? A. They were all yellows on the State Department, 54 and 55 were yellow copies. There were 10 pages.

Q. There were introduced both the yellow and the white copy, and did you see both the yellow and white copy?

A. I only examined the yellow.

Q. But the microfilm photography indicates that it was made from stenciling? A. Yes, sir.

THE COURT: I think this would be a good time for our recess.

(Short recess.)

[1415] Q. Mr. Feehan, will you refer to your notes with reference to Exhibit 50, page 13, line 6, to see what notation you have with reference to the "s" after "regards" and the "s" after "regards" on Baltimore 50, page 13, line 6? A. I have no notation.

Q. You have no notation? A. No, sir.

Q. Now, you referred to notes with reference to Exhibit 55, State document 55, when I asked you whether your notes would show if it was a white copy or yellow copy which you examined; do you recall? A. Yes.

Q. Your notes show that it was the yellow copy?

A. Yes, sir.

Q. Would you look at your notes again, because I want to ask a question about that with reference to Exhibit 55. What if anything do your notes show, Mr. Feehan, with reference to what stamp or stamps appear on page 1 of State document 55? A. None.

Q. You mean you don't have any memoranda of that?

A. No, sir.

Q. Does that mean, the fact that you don't have any memoranda with reference to the stamps, that there were

not any, or that you simply were not making any notation of stamps as they appeared on the first page? A. I didn't make any notation of the stamps as they appeared on that page.

Q. So the fact that you have no notes does not indicate [1416] anything one way or the other as to whether or not there were any stamps on the first page? A. Well, I remember because of the fact that I saw the documents, and that I have photographic reproductions here, I can see that there wasn't any stamp on the corresponding microfilm documents.

Q. That I know. But as to the State document, it has appeared here that the yellow copy or the action copy had the stamp of every office that it went to. Now, my point is that when you say you saw the yellow copy, whether your notes indicate what stamps, if any, appeared on the first page of State document 55? A. No, it does not show.

Q. And that does not mean anything one way or the other except it means that you did not make any notation of stamps as it appears on State documents? A. I was not interested in where the documents went to in the State Department. All I was interested in was the document that was before me.

Q. I understand, but I just want to get the fact, when you say it was a yellow copy, whether you have any memorandum as to the offices it was routed through? A. No.

Q. Because there is only one stamp on State document 55 that had been offered in evidence and was blown up here?

A. I understand.

MR. CROSS: Is there a blow-up of State Exhibit 10, Mr. Murphy?

[1417] MR. MURPHY: No, there is not, sir.

Q. Did you study Exhibit 10? A. Baltimore Exhibit 10?

Q. Baltimore Exhibit 10. A. Yes, sir. This is a photographic enlargement of it here.

Q. Well, no blow-up was ever made of the State document 10?

A. Not by me.

Q. Well, you have never seen any, and Mr. Murphy says there has not been any? A. No, sir.

Q. Well, then, as we have no blow-up, and we don't have the original here, I will show you the photostatic copy of Baltimore 10 and a photostatic copy of State Exhibit 10, and I will also show you the original of Baltimore 10. Did you observe the date on Baltimore Exhibit 10, 1/7/38? A. Yes, sir, I did.

Q. And that on the original State document there is Jan. 7, 1938; did you observe that? A. I have never seen this before.

Q. What did you see? A. This document here which is Baltimore Exhibit 10.

Q. You mean to say that you examined the original documents of all of Baltimore except Exhibit 10? A. No, I examined Exhibit 10 too.

Q. The original? A. Yes, here it is right here.

Q. No, I meant the underlying State document, the one we call State document 10. A. No.

[1418] Q. And you had never seen the original of what has been marked here, State Exhibit 10, or a photostatic copy of it? A. Not to my knowledge.

Q. Did you make some notes on Baltimore Exhibit 10?

A. Yes.

Q. Would you refer to your notes on that? A. Yes. I think I can answer most any question you want to ask on that.

Q. First let us refer to your notes. How long are your notes on Exhibit 10? A. How long are they?

Q. Yes. A. Well, they are not only on Exhibit 10; they are on other specimens too.

Q. I mean, have you notes relating specially to Exhibit 10?

A. I believe I left my notes on Exhibit 10 at the Bureau.

Q. Well, you mean in Washington or here? A. In Washington. I have a brief notation here in regard to the physical characteristics.

Q. Well, will you read that? A. That the length of the specimen is 10.96 x 8.49 in width and .0019 inches in thickness.

Q. Is that the size and thickness of the paper?

A. Yes, sir.

Q. Is that all you have? A. Yes, sir. That is all I can see at the present time.

Q. Well, how about the Government watermark—A. This [1419] is a Government watermark.

Q. Will you tell us how many stars in it? A. There are portions—there are two portions of a watermark appearing in Government's Exhibit Baltimore 10 and one of these portions appears on the lefthand side and the other portion of another watermark of the same type appears on the righthand side of the specimen.

Q. Is there a complete watermark by piecing the two together? A. Well, you can't actually take this watermark here and piece it together with this one here, although there is enough, I will say, of the portion of the watermark in both of these portions to indicate to me that they are Government watermarks.

Q. Well, the Government watermark varies with different grades of paper, does it not? A. Not to a great extent, no, sir.

Q. Well, are there different watermarks with different number of stars in them? A. Yes, sir; and that star indicates the rag content of the paper; one star indicating 25 per cent rag content; two stars indicating 50 per cent rag content; and three stars representing 75 per cent rag content.

Q. And how about four? A. Well, if there are four it would be a hundred per cent rag content.

Q. What has this got? A. This has one, part of one.

Q. Did you make any check as to Exhibit 10 to ascertain [1420] what kind of typewriter it was typed on? A. Yes, I did. Yes, sir.

Q. What check did you make? A. A check with the laboratory standards that we maintain at the Bureau, which are composed of standards of typewriting which are sent to us from all typewriting companies in this country. As soon as they develop a new style of type, they type it on a form and send it to the FBI laboratory, and we keep that standard on file, and we have the most complete record of typewriter standards in the world.

Q. And that is furnished by the typewriting itself?

A. Yes, sir.

Q. And not by the user, of course? A. That is right.

Q. Did you check it with your standards in the Bureau?

A. Yes, sir, I did.

Q. And did you find some machine that it is comparable to?

A. Yes, sir.

Q. What machine is that? A. A Royal machine that is made up of letters spaced 12 letters to the inch.

Q. Go ahead. A. Elite type it is called.

Now I would like to add right here that when I made my examination of the typewriting on Baltimore's No. 10, and in comparing the typed impressions appearing on this specimen with the standards in our file, I also found a standard manufactured by the Underwood people, and the [1420a] standards are exceedingly close. As a matter of fact, they were so close that I had to study their characteristics with a microscope, and the microscopic differences that we noted there are such that it could easily have been an Underwood machine or a Royal machine.

[1421] Q. So that you would say— A. If a person who did not have the standards that we have at the Bureau would examine this there is a possibility they could say "Underwood" or they could say "Royal" and be positive of it. From my examination of these standards, I am of the opinion that is a Royal machine but it is possible it may be an Underwood.

THE COURT: You are referring to Exhibit 10, are you not?

THE WITNESS: Baltimore Exhibit 10, yes, sir.

Q. What was the model of the Royal that you compared it with? A. The model?

Q. Yes. A. Enlarged elite. I don't know what the model of the machine is.

Q. When was it manufactured? A. Manufactured in 1936, and the Underwood specimen that corresponds to that was manufactured in the early part of 1937.

Q. Now did you make any check to see what make the typewriters the various divisions and branches of the State Department had in January of 1938?

A. No, sir. I had no occasion to.

Q. Well, I understand you simply did what you were requested in writing, so far as your examination goes?

A. That is right.

Q. And I do not mean in the slightest to imply [1422] any criticism, but I just want to know how far your examination went. So that you don't know and you cannot tell us now what type of machine was used in the State Department, say for instance the Trade Agreements or Far Eastern Division in January, 1938?

A. No, sir.

Q. Do you think, Mr. Feehan, you could locate the typewriter on which Exhibit 10 was typed?

A. I have no idea, sir.

Q. I beg your pardon? A. I have no idea whether I could locate it or not.

Q. Well, has it any peculiarities that you could—

A. As a matter of fact the typewriting characteristics appearing on Baltimore Exhibit 10 to me implies that it is a machine in very good condition—very good condition.

Q. Do you see any imperfections in it?

A. None that are too outstanding.

Q. And while you lean toward the Royal typewriter that was manufactured in 1936 there is a possibility it might be an Underwood that was manufactured in 1937?

A. Correct.

Q. Are there any characteristics so distinctive that if you examined a certain number of typewriters in an office you could tell whether a particular typewriter typed Exhibit 10? A. I would not want to make a definite [1423] statement in regard to that because of the fact I would want to see the known specimens that were submitted for examination and comparison with those. You see so many times when a specimen, taken from a known machine, is submitted and is to be compared with a document—not this one, but a document,—that contains perfect typewriting, nevertheless the known standard can be eliminated due to the fact that it does have imperfections.

Q. And if you had standards of the typewriters in use in the Far Eastern Division in January 1938 furnished you, could you tell whether or not one of those typewriters typed Baltimore Exhibit 10?

A. Possibly.

Q. You have not done it and have not been asked to do it? A. No, sir.

MR. CROSS: Now may I have the Baltimore exhibits?

(Handed.)

Q. Mr. Feehan, I am going to show you Baltimore Exhibit 5 and I am going to limit any question to the matter of the paper and its characteristics. Did you look at Baltimore Exhibit 5 and other Baltimore exhibits, eliminating 10, beginning 5 through 47, as to creases in the paper? A. Yes, sir, I did.

Q. And did you find that there were folds or creases in the paper? A. I found that there were folds or [1424] creases in the paper that might have been placed in there any time between now and 1938.

Q. And might have been caused either before or after it was typed? A. I have no reason, sir, to believe that these papers were folded before they were typed.

Q. But they could have been? You cannot tell one way or the other? A. I don't think they were.

Q. You don't think you can tell from your examination?

A. I think I can.

Q. How? A. Because of the fact that in these documents where the creases had appeared there is no indication that I have found that would indicate, by taking one of these pieces of paper and by stretching it, where there would be definite and distinctive breaks in the typewriter other than, shall we say, vertically where when a thin piece of paper, and this is very thin onion skin paper, when this is inserted in the machine the platen or hard rubber roll, when it picks up this paper, due to the turn of the ratchet, thin paper like this, unless it is watched carefully when inserted, will cause wrinkles running up and down. Now I found those wrinkles and they were caused by the platen and not by folding of the paper.

Q. On these documents, do you know whether there has been any attempt to straighten out any of the papers during the last year or so by pressing them out or [1425] anything? A. You mean changing—

Q. Yes. A. No.

Q. Have you made any physical examination or chemical examination of these? A. I have made a physical characteristic examination of the papers, yes, sir.

Q. You described the paper as onion skin paper.

A. Yes, sir. That can be described most anyway and usually is. I have heard it described as thin whites, onion skin and various other terms as applied to that particular type of paper.

Q. Is it sometimes described as a Japanese tissue paper?

A. Well, if it has been described that way I would say that it was an erroneous description because The American Paper & Pulp Company dictionary does not refer to a Japanese rice paper. It refers to a rice paper but that paper itself does not come from rice. That comes from the pulp of the tree—I don't remember the Latin—it is something like Aralia papyifera. It is grown on the Island

of Formosa, and such paper as that, rice paper, is made from the inside of a tree as grown on the Island of Formosa.

Q. As to the physical characteristics of this paper, first is it an American-made paper?

A. Well, Mr. Cross, there is no watermark in this paper. There is no means of saying, "Here is a watermark [1426] and that is a watermark registered for a certain company which is located on such and such a street." There is nothing like that in this. Therefore you cannot definitely say this paper was manufactured in the United States. Possibly it was. To me it appears a common paper that can be purchased in a stationery store.

Q. How would you describe the contents of it?

A. The content, the material that goes into the making of it?

Q. Yes. That goes into the making of that paper.

A. Mr. Cross, I have not made a chemical analysis of this paper, and I think that a fibre analysis would have to be made of the paper to determine what went into the making of it. If you are asking what my opinion is, I will be glad to say that I think, from visibly looking at it, and the fact that it is thin would indicate that it is a sulphite paper, which is a very common paper manufactured in this country and is sold in most stationery stores.

Q. That is, when you say "sulphite" paper you use that in contradistinction to sulphate paper?

A. Well, yes and no. The processes are about the same. They are chemical processes. Wood pulp is used and water is added.

Q. What would a chemical analysis of this paper [1427] show? A. A chemical analysis? Don't you mean a paper analysis? In other words telling what kind of material that goes to make up this particular type?

Q. Is there such a thing as chemical analysis of paper?

A. Well, that would be, I would say, a fibre analysis. In other words, the paper is taken and is mashed to a pulp, and by the use of certain acids, tests are made to determine

if the wood fibre, of whatever kind of fibre in this paper, say if it is wood it could be decided if fir, spruce or hemlock.

Q. I think we are talking about the same process.

A. I think so.

Q. I have heard them referred to as chemical analyses. That would indicate perhaps something of its origin and manufacture. A. I am very doubtful that it would, because you see most of the paper companies in this country are in competition with each other and they are all practically making similar type papers. They have their own little secret processes.

Q. In 1937 and 1938 what would you say with reference to that paper as to whether or not it was a common paper on the American market? A. I don't quite get your question there, sir.

Q. Were papers similar to what those exhibits are typed on in 1937 and 1938 a common paper product in the [1428] United States? A. I would presume so, yes, sir, from what I can see from a physical characteristic examination.

Q. Do you have any knowledge of what the situation was with regard to that paper in 1937 and 1938?

A. Well, I do know there was not much paper imported into this country during the war, if any, unless by special permission.

Q. You are not able to say one way or the other? You think it is a domestic paper, but you are not sure?

A. That is right. Of course you could not be sure until an analysis was made of it, and even then I don't know. Maybe you could not tell then.

Q. As a matter of fact an analysis such as that would help in determining whether or not it was a domestic make or foreign make, would it not, because of the technique of making paper in America which has not changed very much in the last 25 years, whereas there have been changes during that period in foreign manufacture of papers, is that correct? A. I don't know, sir. I am not familiar enough with the different manufacturing concerns in the United States.

Q. At any rate you would leave it, you would have to make such a fibre analysis as you have indicated to tell whether a domestic or foreign make and that might not even then tell? A. Well, in substance, that may be [1429] true, but I mean you would have to make a fibre analysis to tell what kind of fibre was in this paper.

Q. And also you could tell something about the place of manufacture by the type of wires that were used?

A. I doubt it. I have seen paper manufactured and I think when you say "wires" in paper you are referring to the wires that convey the wood pulp from the vat up to the water drainers itself and by that latter process of moving—

Q. And they leave an imprint on the paper sometimes?

A. Yes, they do sometimes.

Q. Can you tell how old this paper is?

A. No, sir, except by the type dates on it. That is all.

Q. I mean from a physical examination or manufacture or any physical examination you cannot tell the date of it?

A. No, sir.

MR. CROSS: That is all.

Redirect Examination by Mr. Murphy:

Q. Nor can you tell if you examined it?

A. I have examined it and I cannot tell.

Q. Mr. Cross asked whether you saw the underlying document for Baltimore Exhibit 10, that is the document that we have come to know as State 10, and also known as an MID report from the War Department. The reason you [1430] did not examine it is you were only interested in learning on what machine this was typed? A. That is right.

Q. You were not interested as to whether or not there was a similar document in the State Department, were you?

A. No, sir.

Q. You were just applying your expert knowledge to determine whether this document, together with 47 others were typed on the same machine that typed the known standards? A. Yes, sir.

Q. And that is why you never studied State 10 before?

A. That is right.

Q. Now do you know that these Baltimore exhibits were introduced in the first trial, the ones you have in front of you there? A. Yes, they were.

Q. And did you know that the defendants have been able to look at them, or the defendant has been able to look at them, say commencing in—oh, perhaps April of 1949?

MR. CROSS: Now, just a minute.

A. No, sir, I did not.

MR. CROSS: He obviously does not know. That is not a proper question; what the defendants have been able to do. He was in Washington and the papers are up here.

[1431] MR. MURPHY: Shall we stipulate that they were given by order to the defendant?

MR. CROSS: I made a motion to be permitted—

MR. MURPHY: No, long before you came into the case.

MR. CROSS: I made a motion to take a little piece of one of the papers, where there was no typing, and you opposed.

MR. MURPHY: You will let the motion papers speak for themselves.

THE COURT: Mr. Murphy, have you any further questions?

MR. MURPHY: No, thank you, Judge.

THE COURT: We will adjourn until tomorrow morning at half-past ten.

(Adjourned to December 8, 1949, at 10:30 a. m.)

[1432] New York, December 8, 1949; 10:30 o'clock a. m.
Trial resumed.

HENRY JULIAN WADLEIGH, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Wadleigh, you have been subpoenaed here as a witness by the Government, have you?

A. I have, sir.

Q. Have you been subpoenaed by the defense?

A. No, I have not.

Q. You have not? A. No.

Q. And you testified at the last trial last June?

A. I did.

Q. On behalf of the Government? A. I did.

Q. Now, Mr. Wadleigh, would you tell us, please, where you were born? A. Greenfield, Massachusetts.

Q. And at a very early age you went with your father to England, is that right? A. Well, to Europe.

Q. To Europe? A. Yes.

Q. I think your father was a minister? A. He was.

[1433] Q. And you were educated in Europe, were you?

A. I was.

Q. At what colleges? A. Oxford and London School of Economics, and I had a short period of study in Germany.

Q. What degree did you get from Oxford? A. M.A.

Q. And from the University of London? A. B.Sc. in Economics.

Q. And at Kiel in Germany? A. I didn't get any degree at Kiel.

Q. Now, when you were in England did you become attached to any political society? A. Well, I became attached by sympathy and conviction to the—

MR. CROSS: I can't hear.

MR. MURPHY: Will you keep your voice up a little, please.

A. (Continuing) I became attached by sympathy and conviction to the Fabian Socialist point of view at that time.

Q. And when did you come back to the States?

A. In 1929.

Q. And did you take some more graduate work here in the States? A. Yes, I took a year of graduate work at the University of Chicago.

Q. And after that time did you go with the Federal Government? A. I did.

[1434] Q. Would you tell us in a summary way the different positions that you had with the Government?

A. My first position was with the Federal Farm Board. That started in 1930. In 1932 I was transferred to the Department of Agriculture. In 1936 I was transferred to the State Department, and in 1943 I went with the F.E.A. I was transferred back to Agriculture at the end of 1944; and I resigned from the Government in 1946 and took a job with UNRRA.

Q. With UNRRA? A. With UNRRA.

Q. And were you abroad with UNRRA? A. Not with UNRRA.

Q. Had you been to Italy with another agency?

A. Yes, I was in Italy working for the Federal Government in 1944.

Q. And had you been abroad before that, not counting your schooling? A. I was sent abroad by the State Department in 1938 to work on a trade agreement with Turkey.

Q. Do you remember now when it was that you left for Turkey? A. March 11, 1938.

Q. And you were there for the balance of that year, I think? A. Yes.

Q. Now, have you had an opportunity to read your testimony at the last trial? A. No, I didn't get around to it.

[1435] Q. Now, do you recall being asked to testify before the House Committee on Un-American Activities?

A. I certainly do.

Q. And that was in December of last year? A. Yes, I think it was the 8th of December—no, it was the 9th.

Q. And as to a great many questions do you recall what your answer was? A. In general my answer was I refused to answer on the ground that the answer might incriminate me. I gave that answer wherever I felt I had a right to do so.

Q. And shortly thereafter were you called as a witness before the grand jury in this building? A. I was.

Q. And, generally speaking, your answers were the same? A. Well, I told my story without any reservations to the grand jury except for my first appearance.

Q. Well, that is what I mean. On your first appearance you claimed your privilege? A. I did.

Q. And then in a matter of a day or two you testified before the grand jury? A. I did.

Q. All right. Now did there come a time either before or after that when you talked and told your story to the FBI? A. I did. It was before that that I told my story.

Q. Before? A. Yes.

Q. Now will you tell us, please, Mr. Wadleigh, when [1436] it was in the City of Washington that you decided to collaborate with the Communist Party? A. It was in the latter part of 1935.

Q. And you went voluntarily to someone and suggested that you wanted to collaborate? A. I did.

Q. And thereafter would you tell the jury whom you met and what you did? A. I was introduced by a friend of mine to a person who has been identified to me recently as David Carpenter. I knew him only under a pseudonym. I knew him as Harold.

Q. Knew him as what? A. Harold.

Q. Who identified him for you? A. Eleanor Nelson—oh no. Who identified him? I beg your pardon.

Q. Didn't you see him for the first time in this building? A. Well, I saw him for the first time since my collaboration.

Q. In December of 1948, wasn't that the first time you had seen him over a period of many years?

A. That is right.

Q. And that was in this building? A. Yes.

Q. And who was it who identified him for you?

A. I think it was the FBI. I think actually what happened was that while I was in the grand jury witness room somebody in the witness room said that was David Carpenter.

[1437] Q. Well, in any event, over a period of many years you did not know his name until recently?

A. Until recently I did not know it.

Q. And you have since come to know the man that you knew as Harold as David Carpenter? A. I have.

Q. All right. Now you said that you had met this Mr. Carpenter, I think you said, in 1936?

A. Yes.

Q. And you knew him then as Harold? A. I did.

Q. Now tell the jury, please, what you did in connection with Carpenter. A. I handed him papers that came to my desk in the State Department.

Q. How frequently would you hand him papers?

A. Once a week.

Q. They were papers that you took from your desk?

A. Yes.

Q. And at that time you say you were in the State Department. What division or section? A. Trade Agreements Division.

Q. Now, when you were in the Trade Agreements Division who was your superior there? A. Harry Hawkins.

Q. And then going down the list, who was your other superior? A. There were three assistant chiefs in that Division. William Fowler was one of them; Henry Deimel was another, and Charles Darlington became an assistant [1438] chief during the time that I was in the Trade Agreements Division.

Q. And then were you next in grade to those four people you described? A. There was one grade in between the assistant chief and my level.

Q. In other words, there was the chief, three assistant chiefs, and another grade, and then your grade?

A. That is correct.

Q. Do you remember what your salary was at that time?

A. 4600.

Q. And you say that you used to take papers from your desk and give them to the man whom you now know as David Carpenter about once a week, did you say?

A. Usually once a week.

Q. What was the modus operandi there? How would you take them out and receive them back?

A. I used to take from my desk whatever papers I thought would be of interest, put them in a letter envelope or a briefcase; then I would meet Harold, as I knew him, on a street corner, a prearranged meeting place, hand him the briefcase. The next morning we would meet again at some prearranged place; he would hand the briefcase back to me.

[1439] Q. Now, did that procedure continue uninterruptedly until you left for Turkey in the early part of March?

A. With some interruptions, but those interruptions occurred and it did continue until that time.

Q. Did you continue to hand papers from your desk only to David Carpenter? A. There were a few occasions, as I recall it, when I handed them to Whittaker Chambers, whom I knew as Carl at that time.

Q. Who introduced you to Whittaker Chambers? A. Harold.

Q. Do you remember when and where that was? A. The first meeting, I believe, was in Philadelphia.

Q. You were introduced to him as Carl you say?

A. I was.

Q. Did you ask him for his last name? A. I did, and he gave me the name of Carlson.

Q. Did you then meet him as frequently as you met Carpenter thereafter? A. For a time, yes. For a time I met him fairly regularly, once a week.

Q. And would you continue to give papers to him in the fashion that you described that you gave them to Carl?

A. Most of my meetings with Chambers, as I recall it, were just lunch or dinner meetings, and while I met Chambers for lunch or dinner about once a week I continued handing the papers to Carpenter, but there were, as I said, some occasions, I don't remember how many, when I did pass the papers to [1440] Chambers instead of Carpenter.

Q. Were you at this time a Communist or a member of the Communist Party? A. I was not a member of the Party but, as I have already indicated, I was a voluntary collaborator.

Q. And did your activities continue with the regularity that you have described right up until the time you left for Turkey? A. Until about that time, yes.

Q. Can you tell with any accuracy how many days, weeks or months prior to the time you left for Turkey that there came a cessation? A. I don't recall that accurately though I have tried—naturally, I have tried to remember. There were certain occasions when the work was interrupted and when I did not see either Carpenter or Chambers for a few weeks at a time, and the time when I went to Turkey was one of those occasions. When it was determined that I should go to Turkey, instead of notifying Chambers or Carpenter at one of my regular meetings I had to go out of my way to get in touch with one of them, which I was able to do just at the last—during the last few days, as I recall it, before I went to Turkey.

Q. Then you feel that there was some lull before you went? A. There was definitely a lull, but I have not been able to remember how long it lasted.

Q. And did you know that Carpenter had another name?

[1441] A. Oh yes. I understood perfectly well that both of the men were known to me by pseudonyms. I knew Harold was a pseudonym and I knew Carl was a pseudonym.

Q. Did you ever go to Carl's house? A. I did not.

Q. Did he to yours? A. No.

Q. Did you ever meet his wife? A. No, I never did.

Q. Did he meet your wife? A. I believe he did once, but not at my house.

Q. Where? In the City of Washington? A. In the city.

Q. Well, after you came back from Turkey did you continue the same practice of taking these papers? A. No, I did not.

Q. Prior to going to Turkey had your position in the State Department changed any? A. No. I had the same position after my return from Turkey as I had before.

Q. What I meant, Mr. Wadleigh, was prior to going to Turkey were your duties in the State Department in the Trade Agreements Section changed at all? A. Yes, there was a change. I had a general roving assignment in the Trade Agreements Division before I went to Turkey which did not keep me as busy as it might. I went to Harry Hawkins and told him I was not being used full time and it may be, at least it occurred to me then, that his reason for sending me to Turkey had something to do with that. When I came back I was given a different assignment. I worked on trade [1442] relations with France and Belgium and some other Western European countries.

Q. Prior to going to Turkey what, generally speaking, was your work? A. I was working then on exchange controls, trade quotas and quantitative trade restrictions in general.

Q. Do you remember working on the German Aide Memoire toward the end of 1937 or the beginning of 1938? A. So far as I have been able to recall I did not work on that.

Q. Do you know who was working on that primarily?

A. Charles Darlington was doing that.

Q. Mr. Darlington? A. Yes.

Q. And you cannot remember working on that at all? A. No, I cannot.

Q. At any time at all? A. Not on those particular documents. There was some material prepared in 1936 on Germany on which I do recall working.

Q. When you first talked to the FBI here in New York do you remember what date that was, in December of 1948?

A. I think my first talk with the FBI in New York was on the 8th of December.

Q. And your second talk with the FBI in New York?

A. Well, I had quite a number of talks with the FBI in New York.

Q. Were you shown documents, specifically before December 15, 1948? A. I think so, yes. It was around the 15th that [1443] I was shown those documents. I think that—I think I can recall the date. Let's see. The 6th was a Monday. The 13th was a Monday. It must have been the 14th or the 15th.

Q. And you were shown certain documents, is that right?

A. I was.

Q. Can you describe generally what those documents were?

A. They were photographic prints made, as I understood, from the microfilms which had been supplied by Mr. Chambers.

Q. And were you shown any photographs of any typewritten material? A. Not that I can recall.

Q. Did you have an oportunity then of studying those photographs of the microfilms? A. I did. I went over them with the FBI and examined them carefully.

Q. And were you shown those documents again at the last trial? A. I was. Some of them. Not all of them.

Q. I am going to show you now what I have called Government's Exhibits Baltimore 48 to 55, and those are enlarged photographs from the microfilms which are in evidence as Government's Exhibits 11 and 12, and I am going to ask you, Mr. Wadleigh, if you will look at those photographs and tell me whether or not you ever gave any of those documents either to Mr. Chambers or to David Carpenter (handing)? A. Well, first, Mr. Murphy, with

reference to these documents connected with the German Aide Memoire, as I have [1444] already indicated, I have not been able to recollect seeing these at the time when they were prepared. That is an opinion. It is possible that I might have seen them and have forgotten. It is conceivable that I may have given these particular documents to Chambers. It is my opinion that I did not. And one of the—well, the main ground on which I base that opinion is that I do not recall the documents.

MR. CROSS: If your Honor please, I don't think that is quite responsive. The question was if he gave them to Chambers. I don't think he has answered that yet.

THE COURT: I think you are right, Mr. Cross.

MR. CROSS: I think he ought to answer responsively. If he wants to explain his answer I won't object, but I would like to have an answer.

THE WITNESS: My answer is that it is my opinion that I did not, but it is not a certainty with regard to these particular documents.

MR. CROSS: If your Honor please, this calls for an answer as a fact, not opinion.

THE COURT: What is your best recollection?

THE WITNESS: My best recollection is that I did not but I am not certain about it.

Q. You started to explain some one particular document in that group. A. No, Mr. Murphy. My answer to your question [1445] so far refers specifically to this group of documents connected with the proposal for a trade agreement with Germany, and on that, as I said, it is my opinion that I did not turn them over to Chambers. After a lapse of 12 years, nearly 12 years, I find it impossible to make that statement with absolute certainty.

Q. How about the balance of the instruments there? They are all telegrams. A. I will now look at the other ones.

MR. CROSS: Will he indicate, please—before you mix those up I would like the serial numbers on the papers he has just been referring to so the record will be clear.

THE WITNESS: Yes.

MR. CROSS: Read the serial numbers of every paper that you have given your answer to.

THE WITNESS: No. 1.

MR. MURPHY: The witness has handed me Government's Exhibit Baltimore 48, consisting of two pages, the first of which has the number 1 on it.

MR. CROSS: And he has in his hand now a good many other papers that he was referring to and I want them all identified.

MR. MURPHY: The witness almost immediately thereafter hands me Government's Baltimore Exhibit 50, which [1446] has the number 3 on it, and continues 3, 4 and 5—

MR. CROSS: Don't mix those up, please.

MR. MURPHY: They are stapled.

MR. CROSS: I am talking to the witness.

THE WITNESS: I am afraid they are no longer in the way in which they were handed to me but these are the papers to which I have just referred.

MR. CROSS: He has mixed the group and cannot now tell.

THE COURT: You may step up, Mr. Cross.

MR. CROSS: He had mixed them up and he started on the first group and now he has mixed them with apparently the second group and I don't know what the record will refer to.

THE WITNESS: May I say I have not mixed them up. I have just handed to Mr. Murphy the papers in the first group relating to the proposal for a trade agreement with Germany about which I have testified. I have not yet handed back to Mr. Murphy any other papers.

MR. MURPHY: So the record can be quite clear I have in my hands, after having received them from the witness, Baltimore 48, Baltimore 50, Baltimore 51, Baltimore 52 and Baltimore 53.

Q. And you have left remaining in your hands Exhibits numbered Baltimore 54 and Baltimore 55, is that correct?

A. Yes.

[1447] Q. And the exhibits that you have handed to me and which I have described separately to the Court and to the reporter relate to the German Aide Memoire, and what you have remaining in your hands are copies of telegrams, is that correct? A. Yes, sir.

Q. Now will you confine your answer to the two exhibits consisting of a number of pages that you now have in your hands? A. I will. I will examine these first and then answer the question.

May I say first, Mr. Murphy, that I have no recollection that I ever saw this document until it was shown to me by the FBI (indicating).

Q. You mean this document or these documents that you are holding? A. I believe these are parts of—oh, I beg your pardon. This is more than one document. They all relate to the civil war in China. I thought they were two sections of one telegram, but I see that they are two different telegrams. Yes, they are two different documents. I have no recollection that I ever saw these documents or any other State Department documents relating to the civil war in China or to military operations of any kind in China.

Q. Did you hand them to Mr. Chambers or to Mr. Carpenter? A. I have no recollection that I handed those to Mr. Chambers, and I can say with certainty that I [1448] did not hand to Mr. Chambers any significant quantity of such material. If I had done I would certainly have recollected it. There is an outside possibility I might at one time or another have found on my desk some small item of that character, but even that is highly improbable. What is a certainty is that I did not supply any significant quantity of such material.

Q. And you have no recollection now of ever having seen those documents prior to being shown them by the FBI until last December? A. That is correct.

Q. And it is because of that absence of a recollection that makes you feel that you did not give them to either Chambers or Carpenter? A. That is correct.

Q. Now I am going to show you some other exhibits in the case—oh, by the way, did you ever take any documents in the State Department from any desk other than your own? A. No, I did not.

Q. No other desk? A. No, I did not.

Q. Or wastepaper basket? A. Certainly not.

Q. Or safe or files? A. No.

Q. I show you four handwritten notes which it has been stipulated are in the handwriting of the defendant Alger Hiss and known as Baltimore 1, 2, 3 and 4, and ask you specifically whether you ever gave those to either Mr. Chambers or to Mr. Carpenter? A. I am quite [1449] sure that I did not give these to either Chambers or Carpenter.

Q. Or anybody else? A. Or anybody else.

Q. Do you have any recollection of ever having seen them prior to last December? A. No recollection at all.

Q. I show you a number of typewritten documents known as Baltimore Exhibits 5 to 47 and ask you first, generally speaking, did you ever give any such typewritten documents to either Mr. Chambers or to Carpenter?

A. No, I never gave them any documents typewritten outside the State Department.

Q. In other words, all the documents you gave were original State Department documents? A. They were—oh, there might have been some items copied in the State Department, but I never handed them anything which to my knowledge had been copied outside of the State Department.

Q. Would you look at those, please, and tell me specifically whether you ever gave those exhibits to Mr. Chambers, Mr. Carpenter or anybody else?

A. Here is one that I have no recollection of having seen or passed to Chambers or Carpenter (indicating).

Q. Now you are referring to Baltimore Exhibit No. 5?

A. Yes. The same applies to this document (indicating).

MR. MURPHY: Referring to Baltimore No. 6.

THE WITNESS: The next one "New Economic [1450] Organization of Manchukuo" is the kind of document that could have come to my desk but it would not have come in this form, typed on plain paper. It would have come typed in the official way.

Q. Well, while talking about that, if the official way was a telegram or a report— A. That would be a report.

Q. Can you tell whether you gave the report to Mr. Chambers or to Mr. Carpenter? A. I could not be certain about that, Mr. Murphy. "Economic Organization of Manchukuo" is a subject such that the paper could have come to my desk. What I can say with certainty is that I did not turn over a copy of that kind.

Q. You mean the exhibits that I am holding in my hand? A. The exhibit that you are holding in your hand, sir, is a copy evidently not typed officially in the State Department, and for that reason I feel sure, quite sure, that I did not turn it over to Mr. Chambers.

Q. Did you ever type it yourself, the document?

A. I certainly did not.

Q. Did you ever type outside of the department any documents from the State Department? A. I did not.

Q. All right.

MR. MURPHY: Now, the witness has handed me Baltimore 7, 8 and 9.

THE WITNESS: Here is a document of which I [1451] have no recollection and which I am sure I did not hand to Mr. Chambers (indicating).

MR. MURPHY: The witness has handed me Government's Exhibit 10—Baltimore 10 that is.

THE WITNESS: I am quite sure that I did not hand that to Mr. Chambers (indicating).

MR. MURPHY: The witness hands me Baltimore No. 11.

THE WITNESS: I am quite sure that I did not hand to Mr. Chambers that copy of that document or any copy likewise not officially typed (indicating).

MR. MURPHY: The witness hands me Baltimore 12.

Q. Do you exclude Mr. Carpenter too when you say Mr. Chambers? A. I do.

Q. Do you have any recollection of not handing this specific document but of the underlying State Department document? A. The underlying State Department document is such that I might conceivably have turned it over to Chambers or Carpenter.

Q. Because it relates to the Manchukuo situation?

A. Well, it is an economic report.

Q. Do you have any recollection on it?

A. No, I don't.

Q. But so far as the typewritten copy which I have in my hand, you are quite clear on that? A. I am quite clear on that.

[1452] Q. As a matter of fact, you are quite definite with regard to all of the documents? A. I am.

I have no recollection of seeing anything like that either in typewritten form or the original (indicating).

MR. MURPHY: The witness has handed me Baltimore 13.

THE WITNESS: I have no recollection of seeing anything like that either typewritten copy or original (indicating).

MR. MURPHY: The witness has handed me Baltimore 14.

THE WITNESS: I have no recollection of this either in the original or in typewritten form (indicating).

MR. MURPHY: And that is Baltimore 15 and Baltimore 16.

THE WITNESS: I have no recollection of that either in the original or in typewritten form (indicating).

MR. MURPHY: The witness has handed me Baltimore No. 17.

THE WITNESS: I have no recollection of this either in the original or typewritten copy (indicating).

MR. MURPHY: The witness has handed me Baltimore 18.

THE WITNESS: I am quite sure I never saw that (indicating)—

[1453] MR. MURPHY: The witness gives me Baltimore No. 19.

THE WITNESS: (Continuing)—either in the original or as a typewritten copy.

I have no recollection of this one either in the original or as a typewritten copy (indicating).

MR. MURPHY: The witness hands me Baltimore No. 20.

THE WITNESS: Mr. Murphy, might I save a little time by saying now that I have no—that I am quite sure that I never saw any of these as typewritten copies like these; and when I say I have no recollection of a document, that refers to the original.

I have no recollection of this one (indicating).

MR. MURPHY: The witness hands me Baltimore 21.

THE WITNESS: I am sure I never saw that (indicating).

MR. MURPHY: That is No. 22.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 23.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 24.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 25.

THE WITNESS: Or that (indicating).

[1454] MR. MURPHY: No. 26.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 27.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 28.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 29.

THE WITNESS: Or that (indicating).

MR. MURPHY: No. 30.

THE WITNESS: This one summarizes four documents (indicating). I have no recollection of having seen any of the four, and I can say about—there are two of them that I am quite sure I never saw, and I have no recollection of the other two.

Q. So that we will know which two you have no recollection of— A. The third and the fourth I am sure I never saw and I have no recollection of the first and second.

MR. MURPHY: Now, the third and fourth read:

"February 17.

"Phillips cabled from Rome that Ciano said that while the inclusion of Seyss-Inquart in the Cabinet meant 'a pronounced increase of German influence in Austria' he nevertheless felt that it was far better to have cooperation between the two governments since any increase of Austrain opposition [1455] or hostility to Germany might of itself be an invitation to Hitler to take some drastic step. Ciano also told me that there would be very much closer cooperation between the German and Austrian armies in that during the next year there would be an exchange of high-ranking officers between the two armies."

THE WITNESS: I am quite sure I never saw that.

MR. MURPHY: And the 18th, February, is from Gilbert, U. S. Charge at Berlin:

"The Military Attache reports that as a result of numerous conversations and discussions with army sources he is convinced that the agreement reached with Austria as the result of the Hitler-Schuschnigg conversations contains military clauses providing for the gradual 'assimilation' of the Austrian army into the German.

"Presumably this military agreement covers: (one) unification of tactical doctrine through the adoption of similar textbooks, (two) Austrian adoption of German military organization, (three) gradual introduction of uniform weapons, (four) coordination of war plans.

"The Military Attache believes that within [1456] the relatively near future there will be evidence of a military

alliance through the appointment of standing military missions by each country to the other country.

"As a corollary of the foregoing it is believed here that further changes in the Austrian Government will be announced shortly which will include the appointment of a 'pro-German' chief of staff of the Austrian army."

THE WITNESS: I am quite sure I never saw that.

Q. What is there about those two that makes you quite sure? A. It would have been quite a sensation to me if I had found either of those on my desk and I would have remembered it to this day.

[1457] Q. Will you look at the next one? A. Here is one of which I have no recollection (handing).

Q. That is No. 32. Even though it is repetitious, Mr. Wadleigh, when you say you have no recollection you mean you have no recollection of the original underlying document? A. Yes, sir. That is what I mean.

Q. And speaking of the typewritten, you say you never did in fact ever see it or hand it over to anybody? A. That is correct.

Here is one that might very well have come to me—the original that is (handing). I don't recall that specific document.

MR. MURPHY: That is No. 33 and it is a cable from Mr. Grew in Tokyo dated February 17, 1938 (reading).

Q. Was that relating to your particular desk? A. That is a document which might have come to my desk because it deals with trade, smuggling to be sure, but nevertheless it is commercial.

Q. You have no recollection, have you, of handing that document over? A. No, I have not.

Q. Your recollection is only it might have come to your knowledge? A. That is correct.

Q. And specifically with regard to the typewritten instrument, that falls in the category in which you say none of the typewritten documents were handed to anybody? A. That [1458] is correct.

I am sure I never saw that one (handing).

MR. MURPHY: Baltimore 34.

THE WITNESS: I am sure I never saw that one (handing).

MR. MURPHY: Baltimore 35.

THE WITNESS: It is conceivable I might have seen that one. I don't recall it specifically (handing).

MR. MURPHY: And that is No. 36. And, ladies and gentlemen, that is the memorandum of the conversation between Mr. Hurban, the Czechoslovakian Minister, the Secretary and Mr. Sayre, dated February 18, 1938.

THE WITNESS: I am sure I did not see that one, Mr. Murphy (handing).

MR. MURPHY: That is Baltimore 37.

THE WITNESS: Here is one that I might have seen (handing).

MR. MURPHY: That is No. 38. Ladies and gentlemen that is dated March 26.

Q. Wouldn't that sort of put you out in the ocean somewhere? A. Yes. That would exclude it. I left the country on March 11th.

Q. What you meant was that this was the type of information that came across your desk generally?

A. Yes, sir.

[1459] Q. But the date, March 26th, makes you rather definite you could not ever have seen it or turned it over to anybody? A. Quite definite. It is dated March 26th. This one is dated March 26th (handing).

Q. So we won't consider that one. That is No. 39.

THE WITNESS: And this is March 28th (handing).

MR. MURPHY: We will omit that one, No. 40.

THE WITNESS: March 28th (handing).

MR. MURPHY: No. 41.

THE WITNESS: March 28 (handing).

MR. MURPHY: No. 42.

THE WITNESS: March 29 (handing).

MR. MURPHY: No. 43.

THE WITNESS: These are all dated after March 11th (handing).

Q. I dare say one dated the day before you left you would not have had much opportunity to turn over either? A. I would not.

MR. MURPHY: The witness hands me Nos. 44, 45 and 46.

THE WITNESS: And this is after March 11th (handing) and, Mr. Murphy, I did not look at the dates of the earlier ones until you drew my attention to it.

Q. Can we say then that if any of the dates are after March 11th, the day you actually got on a ship, you feel [1460] rather positive that you saw neither the original nor the typewritten copy? A. Absolutely positive.

Q. You knew Mr. Hiss, of course, in the State Department? A. I did.

Q. Were you very friendly? A. Friendly, but not that I knew him particularly well. In fact, before my trip to Turkey I saw very little of Mr. Hiss. I saw a little more of him after my return.

Q. Did you have lunch with him frequently? A. I had lunch with him on two occasions, both after my return from Turkey.

Q. So that would eliminate lunch prior to March 11, 1938? A. It would.

Q. After the last trial, Mr. Wadleigh, you wrote a series of articles for one of the New York papers?

A. I did.

Q. And was that at the request of the newspaper or at your request? A. At the request of the newspaper.

Q. By the way, did I discuss your testimony with you at all? A. When do you mean?

Q. In other words, did we go over these documents?

A. Yes.

Q. When was the last time we went over the typewritten documents together? A. Oh, we never did go over these typewritten documents, no.

[1461] Q. Never did? A. Never did. In fact, with you, Mr. Murphy, I am sure we did not discuss any of the documents. The only discussion was with the FBI and that did not include the typewritten documents.

Q. Was this the first time that you have examined the typewritten documents since last December or since the last trial, rather? A. This is the first time, so far as I can recollect, just now, that I have looked at these typewritten documents.

Q. I think at the last trial you were just asked generally whether you handed over typed documents? A. I believe so. I do not have any recollection of having gone over these documents one by one as I did just now.

Q. Getting back to the source of articles that you wrote in the newspaper, they were about 10 or 12 in number, were they? A. 12.

Q. And you used all of the names. You put Mr. Chambers' name in the article? A. I did.

Q. And you told how you met him in that article?

A. I did.

Q. And you told in that newspaper how you met Harold?

A. I did.

Q. And I think you used a fictitious name of the person who introduced you to Harold? A. I did.

Q. And I think you said you had told the FBI the correct [1462] name? A. I did.

Q. When you first talked to the FBI you talked to them, I think, in Washington? A. I did.

Q. And you told them that you met Harold yourself without any intermediary? A. I did.

Q. Then subsequently you told them who that intermediary was? A. I did.

Q. Now, Mr. Wadleigh, so there will be no doubt, one, with regard to the handwritten documents, Baltimore 1 to 4, you are positive you never gave those to anyone? A. I am quite positive.

Q. With regard to the typewritten documents that we know as Baltimore 5 to 47, I will divide that into two

categories. The first category: What is your answer with regard to handing those instruments that I have in my hand to anybody?

A. I am quite sure that I did not.

Q. Did you ever see them or touch them before you were shown them by the FBI in December? A. I did not.

Q. The second category, relating to the same documents: Your testimony is that some of these, that is, the originals of them, might have gone over your desk? A. They might.

Q. With regard to those, you say that you might have given them to either Carpenter or to Chambers? A. I might.

Q. And those that you told us that you had no knowledge of at all, that means that you have no knowledge of ever [1463] having seen the originals? A. It does.

Q. And therefore you could not have handed the originals over? A. It does mean that.

Q. And then, of course, those that are dated after the time you went to Turkey you feel, I think you said, absolutely positive? A. Absolutely.

Q. Now during your time in the State Department prior to going to Turkey would you say you were in Mr. Hiss's office or Mr. Sayre's office frequently or infrequently?

A. Quite infrequently, I would say.

Q. And what would bring you to either one of the offices?

A. It might be a conference. It might be—I might take a telegram up there to get initials on it. So far as I can recall it was always official business that took me up there at that time.

Q. Specifically, Mr. Wadleigh, did you ever take anything out of those rooms? A. Not unless I was authorized to do so.

Q. How were telegrams distributed in your section? What would be the practice? A. That falls into two cate-

gories, Mr. Murphy: The action copies and the information copies. Action copies would come to the person who was responsible for drafting a reply. The reply drafted by him would be shown to those who had to initial it.

A person working in Trade Agreements Division might also be shown copies of outgoing telegrams for his own [1464] initialling, that is, drafted by somebody else. Of course he would have to initial and pass them on quickly.

Now with regard to information copies, they were mimeographed in the Division of Communications and Records and a copy was sent, I believe, to each office. Trade Agreements Division received a copy which was handled in the same way as dispatches, reports and dispatches.

There was one girl in the Division who had the responsibility of circulating such documents. She would look at the document, decide who in the Division would be interested or concerned with seeing that document and then write, in the case of an information copy of the telegram, the initials of those people in a column in the righthand corner. Then from her out-box the messenger would take it to the person whose initials appeared at the head of the column. He would read it. Cross out his initials, put it in his out-box, and the messenger would take it to the person whose initials were next in line and so it would circulate through the Division to all of those whose initials were on and then go back into the Division files.

Q. What was the physical layout of the Trade Agreements Section? Was it somewhat similar to the desks on a floor where it was all open? A. No. There were, for the most part, two or three or four desks to a room. I seem to recall one room that had a larger number of desks in, but the [1465] Division was spread over quite a number of rooms.

Q. Who were your roommates, so to speak? A. Well, at the time when I first worked in the Department Charles Darlington was my roommate. When he became Assistant Chief he was responsible for assigning office space. He moved everyone around so frequently that

I have been unable to recall the names of my various roommates.

Q. Can we say that you always had at least one?

A. Yes, I did.

Q. You had no room by yourself? A. No. I never had a room by myself.

Q. Were you ever in Mr. Hiss's or Mr. Sayre's rooms when they were not there? A. No.

Q. Now, what was it that made you stop collaborating with the Communists? A. Well, the collaboration was suspended or interrupted. That would be a better way to put it, by Chambers' defection. After I learned of his defection I expected that collaboration in one form or another would be resumed. After the Nazi-Soviet pact I abandoned any intention of resuming collaboration.

Q. Did you see Chambers after you came back from Turkey? A. I did. I think on two occasions.

Q. Do you remember when and where they were? A. I do not remember the location of the first one. The first meeting was similar to our previous meetings. It was [1466] either a lunch or dinner meeting. I forgot which. The second time I met him was as a result of a phone call to my office at which he requested me to meet him immediately in Jackson Place, which is just outside the State Department Building.

Q. Was it at either of those meetings that he told you he had deserted? A. It was the first of those meetings.

Q. That is what defection means, isn't it? A. Yes.

Q. Did he ever introduce you to anybody prior to that time? A. Yes. He introduced me to a person who used the name of Sasha. I presume the spelling would be S-a-s-h-a.

Q. When was that? A. It was sometime in 1937. I have tried to recall the approximate date and it seems to me to fall in the latter part of the year.

Q. Did he tell you who he was? A. Certainly not.

Q. Or did he tell you what his relative position was at all? A. Yes, he told me or intimated to me that this person was his boss in the apparatus.

Q. Would you describe him for us? A. The one thing about him that has left a clear memory impression on me is his having the right sleeve of his coat hanging loose and his giving me his left hand when we shook hands. He was of less than average height, a little less than my height. He may have been partly bald but I don't remember that very clearly. He was, I would say, perhaps 10 years or more older [1467] than myself as I remember it, of rather stocky build with a straight nose.

Q. What color hair? A. I don't remember the color of the hair too clearly.

Q. Well, did he complain to you about the papers you were taking out of the department? A. He said that people in Moscow thought a person who saw—a person who received the papers that I turned in must also be receiving other papers which they did not get from me.

Q. Did you ever receive an oriental rug?

A. I did.

Q. When was that, about? A. That must have been between Christmas of 1936 and New Year of 1937. It was a New Year's present.

Q. How big a rug was it? A. 8 x 12, approximately.

Q. And from whom did you get it? A. As I remember, it was actually delivered to me by Harold.

Q. By Harold? A. By Carpenter.

Q. That is David Carpenter? A. Yes.

Q. Did he say what it was for?

MR. CROSS: Now, if your Honor please, aren't we getting pretty far afield?

THE COURT: Sustained.

MR. CROSS: I have not said anything but it seems to me there must be a stopping point.

[1468] Q. Do you still have the rug? A. I do.

MR. MURPHY: You may examine.

THE COURT: Perhaps we had better take our recess now so as not to interrupt the cross-examination.

(Short recess.)

Cross Examination by Mr. Cross:

Q. Mr. Wadleigh, when did you first steal papers from the Government of the United States and turn them over either to Carpenter or to Chambers?

A. I turned over some—I believe I turned over a few papers to Carpenter while I was in Agriculture, so far as I can recollect.

Q. Well, you stole them, didn't you, from the Government? A. No, I didn't steal them.

Q. Well, my question was when did you steal any papers from the Government of the United States and turn them over to either Carpenter or to Chambers?

A. Well, the word—with reservations on your use of the verb "steal" I take that to mean the procedures that I described. I believe that I first did so when I was in the Department of Agriculture in the latter part of 1935.

Q. And at about what time of the year was that?

A. In the latter part of the year.

Q. In the latter part of the year? A. Yes.

[1469] Q. You had previous to that voluntarily offered your services in any capacity that the Communist Party wanted, had you not? A. I had.

Q. You had done it voluntarily? A. Yes.

Q. Without solicitation? A. I had.

Q. Knowing that you were going to perform any service whatsoever that the Communist Party might request of you?

A. With conceivable reservations. I don't recall any specific reservations.

Q. Well, you had no reservation whatsoever when you offered your services for any use that they could put your services to, did you? A. I did not specify any reservations.

Q. Did you have any, sir? A. You mean in mind?

Q. Yes. A. I don't recall any specific ones.

Q. Then after a period you transferred to the State Department, didn't you? A. I did.

Q. And when was that? A. In March 1936.

Q. And you started immediately to steal papers from the State Department and turn them over to Carpenter or Chambers, didn't you? A. Very shortly thereafter I began to pass papers, to turn over papers to Carpenter.

Q. Well, you keep saying pass over papers. You stole them from the State Department, didn't you?

A. If you—

MR. MURPHY: Your Honor, I think we have gone [1470] over this twice now. There seems to be a distinction between what Mr. Wadleigh thinks "steal" means—

MR. CROSS: I have a right to ask him whether he realized he was stealing papers.

MR. MURPHY: Yes. Ask him that.

A. (Continuing) Well, I just don't think that that verb is very descriptive of a procedure which does not involve removing them—

Q. Well, give me the Oxfordian verb. A. —from the Department files. I just don't regard that as a literal description of what happened, that is all.

Q. By the way, where were you born? A. Greenfield, Massachusetts.

Q. How old are you, Mr. Wadleigh? A. 45.

Q. And how old were you when you started stealing papers? A. Again with reservations on the verb "steal" I was—let us say—that was 1935. I was 31 years old.

Q. When was it you went to Oxford? A. In 1922.

Q. Did you take a degree from Oxford? A. I did.

Q. And then you say you went to London University?

A. I did.

Q. And I think you said you did not take a degree from London University? A. I did take a degree from London University.

Q. What degree was that? A. Bachelor of Science [1471] and Economics.

Q. What was the degree from Oxford? A. M.A.

Q. And what was the German University you went to?

A. I spent six months doing graduate work at the University of Kiel in Germany in 1929.

Q. But you did not take a degree from that university?

A. I did not.

Q. When did you return to the United States?

A. In 1929.

Q. In 1929? A. Yes.

Q. And you were born what year? A. 1904.

Q. 1904. You were 25 years old? A. I was.

Q. Had you been back to the United States during those 25 years? A. I was in the United States the first three years of my life when I was—

Q. I said between the time that you left, which, as I understand now, you say was when you were three years old, until you came back to the United States in 1929, had you ever been back to the United States?

A. No, I had not.

Q. Then you took some special work in some university in this country? A. I studied at the University of Chicago.

Q. Some specialized work? A. Economics.

Q. Did you take a degree? A. No.

Q. How long were you at the University of Chicago?

[1472] A. One year.

Q. When did you go with the University? A. 1930.

Q. So that after one year studying at Chicago University you immediately entered the service of the United States?

A. I did.

Q. Did you take an oath of office at that time?

A. I believe so, yes.

Q. Did you take an oath in substantially these words:

"I, Henry Julian Wadleigh, do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that

I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God''?

Did you take such an oath? A. Something like that.

Q. Well, didn't it mean anything to you? A. Yes.

Q. Did you take that oath with any reservation? A. No.

Q. Well, after you offered your services to the Communist Party and started to steal Government papers you knew you were a traitor to the United States, didn't you?

A. No.

[1473] Q. Well, you knew that those papers were being turned over to the Communist Party, didn't you? Yes or no?

A. I did not consider myself a traitor and I still don't—

Q. Just a moment. I said you knew that those papers were to be turned over to a representative of the Communist Party, didn't you? A. Yes, sir.

Q. And you were told that those papers were to be sent to Moscow, weren't you? A. Yes.

Q. Did you think that you were performing a patriotic duty at that time in 1936 to the United States of America?

A. I felt that I was doing the right thing. I was acting in accordance with my convictions as of that time.

Q. Did you realize that you were violating your solemn oath to the United States that was then paying your salary?

A. Technically, yes.

Q. You only thought it was a technical violation; that is your answer to his Honor and this jury for stealing papers?

A. My answer in substance is that I was doing what I considered to be the right thing to do at the time.

Q. And that was to steal papers and turn them over to Chambers or to Carpenter to be turned over to the Communist Party to be sent to Moscow?

A. I was acting in accordance with my convictions as of that time.

[1474] Q. Well, those convictions were those of a Communist, were they not? A. My views were pretty close to Communist views. I was not a member of the Party and I was not an orthodox acceptor of all the Communist dogmas.

Q. Well, let us see how much you did subscribe to the communistic theory or tenets. Did you believe at that time in the forceful overthrow of the Government of the United States by any means whatsoever at the proper time?

A. I don't think I did, no.

Q. Did you believe in the church? A. No.

Q. Did you believe in the American way of life?

A. Substantially as I conceived it at the time, yes.

Q. Well, your conception was in sympathy with the Communists that you had volunteered to help, isn't that right? A. In certain very important respects, yes.

Q. Now, what were the first documents that you turned over to Carpenter? A. As I recall it they were consular reports of no great importance.

Q. What were they? A. That is all that I can recall.

Q. From what consular office were they?

A. Various offices in various countries.

Q. From what consular offices were those reports?

A. From various consular offices in various countries.

Q. Name one to his Honor and the jury.

A. I don't remember that much detail right now, but [1475] they were United States consular offices all over the world.

Q. And what was the content or contents of the first documents that you turned over to Carpenter or to Chambers?

A. They were economic reports—they were reports on economic conditions in foreign countries on international trade.

Q. Well, Mr. Wadleigh, you realize that is awfully general. Can you tell us what country and specifically what they referred to?

A. Well, as I said they came from a number of countries. I did, however, select reports on Germany and Japan.

[1476] Q. What did they deal with aside from the general economic situation? A. Practically nothing aside from the general economic situation because they practically all dealt with the economic situation.

Q. What did they say about the economic situation in the latter part of 1935, those that you turned over to Carpenter in the latter part of 1935 with respect to Japan? A. I don't recall any details.

Q. What did the economic reports that you took and turned over to Carpenter say about Germany? A. They contained a great many details of fact and such things as imports, exports, currency, finance, wages, and so forth.

Q. Can you specifically name a single item that was mentioned in any of those consular reports? A. At the moment I do not recall any.

Q. How soon after you went to the State Department in March 1936 did you start stealing Government or State Department documents and turning them over either to Carpenter or to Chambers? A. How soon—would you mind repeating?

Q. (Read.) A. I started turning over papers to Carpenter a few weeks after I entered the State Department.

Q. Well, those you stole from the State Department, did you not? A. Well, once more, in order to be responsive to that question, I must say that I did not regard the verb [1477] "stole" as being a literal description of the procedure involved.

Q. Well, let's see. You took them without anyone's knowledge, didn't you? A. Yes.

Q. And you did it stealthily? A. Yes.

Q. And you did it so that no one could ever find out?

A. Yes.

Q. And you took them out after working hours?

A. Yes.

Q. You put them in a briefcase and, by prearrangement, met someone on a street corner in Washington and handed him the briefcase? A. I did.

Q. And you knew he was going to take that briefcase and photograph those documents that had been sent to you by the Government that was paying you for your work? A. I did.

Q. And then the next morning you met by prearrangement Carpenter or Chambers and they handed back the briefcase to you? A. I did.

Q. And that was on your way to work? A. It was.

Q. Then you walked from this prearranged place of meeting back to your office where you were hired to do work in the Trade Agreements Section? A. I did.

Q. And when you went back you stealthily took out those papers and put them back so that no one would know they had been extracted, didn't you? A. I just took them out of my briefcase [1478] and put them on my desk.

Q. You saw to it that no one saw you take them out, didn't you? A. No, not necessarily.

Q. Did you tell anyone that you were taking those papers? A. Well, it was quite—

Q. No, please. Did you tell anyone in the Department of State or in the employ of the Government of the United States that you were taking those papers and meeting someone to hand them over to be photographed by the Communist Party?

A. Of course not.

Q. And you did not tell anyone when you came back that they had been photographed? A. Of course not.

Q. And you arranged it so no one would catch up with you?

A. Of course.

Q. You testified at the first trial, didn't you, Mr. Wadleigh? A. I did.

Q. Do you remember the date that you testified?

A. Oh, it was June. I don't remember the exact date now.

Q. If I suggested June 16th, would that be about the right date? A. Approximately.

Q. Then shortly thereafter you wrote a series of 12 articles for a New York paper and sold them to that paper, didn't you? A. I did.

Q. Were there 12 articles? A. There were 12.

[1479] Q. What paper was that you sold them to? A. New York Post.

Q. Did you write them? A. I did.

Q. Entirely yourself? A. Almost entirely myself.

Q. Almost entirely by yourself? A. Yes.

Q. Did you have a little help from somebody from the New York Post? A. There was a little condensing. There was a little cutting and a lot of editing that was done and was checked and in some places re-edited by myself.

Q. But as printed you approved the articles before they were printed? A. Absolutely.

Q. In every case? A. In every case.

Q. And you were paid for selling those articles?

A. Of course.

Q. Well, I simply ask you if you were paid. I do not know you were paid. A. Of course I was.

Q. By the New York Post? A. Of course.

Q. And the heading of those articles was: "Why I Spied For The Communists. By Henry Julian Wadleigh"? A. That is correct.

Q. And the first article that appeared of yours in the New York Post was dated July 11, 1948 (handing papers), was it not? A. Yes.

Q. And the last article appeared on what date? A. I think it was July 24th, wasn't it? I will check and make [1480] sure. July 24th is right.

Q. And you read the articles as they came out in the paper? A. Some of them I did.

Q. Well, those you read were as you had written them and turned them over to a representative of the New York Post? A. They were, with the exception of one error that was corrected in a later edition.

Q. Will you indicate for me, so that we can be accurate, if you can, what that error was? A. Yes.

Q. You may see the articles here if it will help you (handing). A. Yes. This is the corrected version.

Q. And you are referring—and don't read except as it may help you refresh your memory—but what was the issue in which the correction appeared? A. The phrase as I recall it which got in there by mistake, which I had corrected, was "spied against my own country." The word "against" there I objected to and it was changed.

Q. Well, originally you had written it that way, hadn't you? A. No, I had not. That was something that was put in at the last moment because, as I understood it, because the end of the paragraph came at the beginning of the line and they wanted to put in a couple of extra words to bring the end of the paragraph further over to the right and so they put in that phrase, and as soon as I saw it in early edition I asked them to take it out, which they did.

[1481] Q. Now will you read to his Honor and to the jury the sentence as it originally came out and how it was corrected after your calling it to the Post's attention?

A. Well, I don't recall exactly how the sentence ran as it originally came out but I can read it as corrected. Would you like me to?

Q. Yes. A. "A few weeks ago I testified in the Alger Hiss trial that during 1936 and 1937 I regularly passed out papers from the State Department to a Soviet spy ring."

Q. That is as corrected? A. As corrected.

Q. And originally they had it what? A. It had a phrase at the end which was something about spying against my own country.

Q. And that you objected to? A. I did.

Q. Except for that you never raised any question about anything that appeared in those articles? A. I did not.

Q. As not being in accord with the manuscript that you had written? A. I did not raise any question.

MR. MURPHY: Don't you think that ought to be marked at least?

MR. CROSS: I will mark all of them.

Q. You were referring, Mr. Wadleigh, to what date? Was it the first one? A. The first article.

MR. CROSS: I will mark that for identification, [1482] the July 11, 1948 article.

(Marked Defendant's Exhibit EEE for identification.)

Q. Mr. Wadleigh, when you were stealing these papers from the Department of State and turning them over to Carpenter or to Chambers did you realize that you were engaging in espionage? A. I did.

Q. Did you realize that you were violating the federal laws of the United States which prohibited espionage?

A. I did.

Q. And you were cognizant of violating the espionage laws the entire time that you were taking these papers and turning them over as I have described? A. I was.

Q. Now this David Carpenter, was he connected with the Daily Worker? A. I understand that he is now connected with it.

Q. Well, did you have any understanding then what he was connected with and what he was supposed to be doing outside of meeting him on a street corner and taking that briefcase and coming back the next morning and giving it back? A. Why, of course. I realized that he was working for a Soviet Intelligence apparatus.

Q. Did you know that he had any other job? A. No.

Q. But you now identify him as being with the Daily Worker? A. Well, I understand that he is now with the Daily Worker. Whether he was with the Daily Worker at that time [1483] or not I have no idea.

Q. As I recall your testimony in direct you first met Chambers when—I don't know that you gave the date?

A. Well, the date which I recall, when I tried to remember it as of my own recollection, was the early part of 1936.

Q. Before you went to the State Department?

A. Well, my recollection was that it was after I went to the State Department.

Q. Immediately or shortly after you went there in March 1936? A. Shortly after. That would be my best recollection, my best independent recollection, but I am not at all clear about that date.

Q. It may have been before you went there? A. It could very well have been before that.

Q. As I recall you said it was in Philadelphia?

A. It was.

Q. Who introduced you? A. Carpenter.

Q. Did you go there by prearrangement with Carpenter?

A. I did.

Q. Where did you meet Chambers in Philadelphia? A. In the lobby of a hotel.

Q. What hotel? A. I don't remember.

Q. Well, how long were you with him? A. Just that evening. We went out and had dinner and talked for maybe [1484] an hour or two.

Q. You first met him in the lobby of a hotel and I assume you went somewhere to eat? A. We did.

Q. Was it at the hotel or did you go out to some restaurant? A. We went out to a restaurant.

Q. Do you remember where you went? A. No.

Q. Carpenter went with you? A. He did.

Q. Now will you describe Chambers when you first met him? A. He was a man of less than my height, considerably less than my height, rather plump, not quite so much as he is now. He had one of his front teeth broken off on the diagonal. His features, of course, were just about the same as they are now.

Q. You have given us all the description you recall of Chambers at that first meeting? A. Any further details you would like to ask?

Q. I want all the details, sir, that you can remember about Whittaker Chambers when you met him in Philadelphia.

A. I remember perfectly well what he looked like. He looked the way he looks now except he was a little thinner, and I recall the broken tooth, and I recall a very quiet voice, so quiet that I had a little difficulty hearing what he said part of the time. I recall an air of self-confidence. I think that he usually wore a rather inconspicuous gray suit. He wore a hat. He had a rather [1485] puzzling accent which I was not able to identify and I thought maybe a foreigner. Those are all the details that come to mind.

Q. From his accent that he had in 1935 or 1936 and from his appearance you thought he was a Russian, didn't you?

A. I thought he might be.

Q. Then you went out to dinner with Carpenter and with Chambers? A. I did.

Q. Tell us the talk that you had on the way and at the restaurant. A. On the way there I remember looking at a book that Chambers had on his lap.

Q. Who looked at it? You? A. I looked at it, yes.

Q. You mean you picked it off his lap? A. No. I just glanced at it. Maybe I picked it up. I really would not remember that much detail, and he said it was the only good book he had been able to find on the German Intelligence System. When we got to the restaurant we talked about current political events, international politics mostly. That is what we usually did in our talks.

Q. I am talking about this first time, Mr. Wadleigh.

A. I don't recall the details of that conversation.

Q. Did he tell you he had travelled a good deal abroad?

A. Either then or later he told me that.

Q. Where did he tell you he had travelled abroad?

A. As I recall it, he mentioned Holland, Germany, [1486] Russia. I believe he once mentioned Finland, but I am not too sure about that, and he talked about China in such a manner that I got the impression that he had traveled there too.

Q. Specifically he told you he had been in Moscow for quite sometime and met some very important people there, didn't he? A. Yes.

Q. And as a matter of fact you and Chambers—A. Well, now, wait a minute. I am not quite so sure about the very important people. I don't recall any important names.

Q. Now, did you, in one of your articles, and I am referring to July 14, 1949, say he had evidently travelled around Europe and spent considerable time in Moscow becoming acquainted with some very important people there? A. That was the general impression I had but, as I say, I don't recall any specific names.

Q. Now he refers to China. Did you ever go to a Chinese restaurant with Chambers and see Mr. Chambers pick up a Chinese menu, written in Chinese, and order the meal?

A. I did.

Q. Now will you tell his Honor and the jury when it was that you first stole any State Department documents and gave them either to Chambers or Carpenter?

MR. MURPHY: I submit we have been over this at least twice.

[1487] MR. CROSS: Not from the State Department. I want to fix the time.

A. I thought I did answer that question but I have no objection to answering it once more; a few weeks after I entered the State Department.

Q. What were the papers you stole at that time?

A. Dispatches and telegrams dealing with economic matters that came to my desk.

Q. Do you remember specifically what the contents of the documents were? A. Well, I recall, among other things—I mean included among the material that I turned over to them—were the monthly economic reports of the Commercial Attache in Berlin. That is one item I happen to recall.

Q. I am asking for the first batch you turned over.

A. Oh, the very first batch?

Q. Yes. A. I don't remember what was in the first batch.

Q. How many papers were in the first batch that you stole and turned over? A. They usually ran from—oh, on some occasions there was only one. I think there were a few occasions when there just wasn't anything of interest. But more often there would be, say, three or four or half a dozen; sometimes even more than that in the briefcase.

Q. And these meetings took place about once a week from shortly after March 1936 until sometime about February [1488] or early March of 1938, with perhaps an interruption that you told us about of a few weeks? A. The interruption of a few weeks would carry it back into February, 1938, not March.

Q. Well, let me ask you the question again: From shortly after March 1936 until at least sometime into February 1938, once a week you took papers from the State Department and turned them over either to Chambers or to Carpenter? A. I did.

Q. And you knew when you were doing it that they were going to the representative of the Communist Party to be used against the Government that was paying your salary?

A. No. I had no reason to believe that any of them would or could be used against the United States Government, because they dealt with conditions, mainly in Germany and Japan. They were going to be used against Germany and Japan. That was quite clear.

[1489] Q. Well, you knew that whatever the contents were you were violating the espionage laws of the United States? A. I did.

Q. In every delivery that you made? A. Certainly in those cases where the documents were specifically classified.

Q. Well, did you classify these in your own mind and say, "Now, this violates the espionage laws but this

does not; I can sneak this one out and it really does not violate the law''? A. I never indulged in any such childishness.

Q. Well, I will leave it to the jury to pass on your conduct and I won't make any comment. Now how many papers would you say you stole from the Department of State during that time and turned over either to Carpenter or to Chambers? A. Well, to make a quick approximate estimate, suppose there were about 50, probably a little less than 50 times in a year that I turned over papers; it would be somewhat less than 50 because there were some interruptions. The period extended over almost two years. That would be getting close to a hundred, a little more than a hundred meetings at which I turned over documents. The average number of documents I think would be perhaps, oh, four or five. That would make, say, somewhere in the neighborhood of 400 documents. That, of course, is a very, very estimate.

Q. And, of course, you could not tell his Honor [1490] and the jury the contents of those four or five hundred documents, could you? A. In a general way, yes.

Q. Well, your general classification would simply be that they related to economic conditions, wouldn't it?

A. Practically all of them did relate to trade, economic conditions, industry and so forth.

Q. You have not a distinct memory of a single document that you turned over, do you? A. Yes, I do have a very distinct recollection of one document because of its unusual interest.

Q. One out of the four or five hundred?

A. That is correct, because of its unusual interest.

Q. Whom did you turn that one over to?

A. Carpenter.

Q. When? A. Oh, some time in 1936, I think. It might have been later. It might have been 1937.

Q. What was that document? A. It was a telegram from Bullitt, who was then Ambassador in Moscow, in which he related that he had had a conversation with the

German Ambassador—I can mention this without any hesitation because it did leak out to the press later, or so I understand.

Q. Well, it leaked out to the Communists too but through you? A. Yes; but whether that had anything to do with its later leaking out to the press is another matter.

[1491] He had a conversation with the German Ambassador which ran something like this: Bullitt said to the German Ambassador who, according to Bullitt, was drunk, "Your government is pursuing a very strongly anti-Soviet policy, isn't it?"

The Ambassador agreed.

He said, "On the other hand I have information that your government is allowing submarine parts to be shipped from Germany to Russia. Isn't that rather inconsistent?"

And the German Ambassador answered, in effect, that he did not know what his government's policy was.

That was the substance of the telegram. I remember that one quite distinctly because compared to the stuff that I usually got it was quite exceptional.

Q. Now, except for that can you remember the content of a single document that you stole of the four or five hundred? A. Not specific content of any one document.

Q. And when you saw this unusual document you saw to it that you got it out and passed it along to Carpenter?

A. Well, it just came to me.

Q. Beg your pardon? A. It appeared on my desk.

Q. Well, you immediately selected that to put in your briefcase to take to Carpenter that night, didn't you?

A. Well, I don't know that it was the same night. [1492] It may have been a couple of days later.

Q. Well, you definitely decided as soon as you saw the contents of the cablegram that that was something that you were going to get into Carpenter's hands, didn't you?

A. Yes.

Q. And you did? A. I did.

Q. Now, could you tell us on what floor you were located in the Trade Agreements Section and in whose

office, or who else shared the office with you when you first went there in March of 1936? A. Well, it just came back to my mind now that my first desk was in a room with Henry Deimel.

Q. He later became assistant chief to Mr. Hawkins?

A. I think he was already assistant chief then.

Q. Did you at one time share an office with Mr. Darlington? A. I did.

Q. When was that? A. That started shortly after the time I first began to work in the State Department, and, as I recall it, it lasted until he became assistant chief. I think that was—

Q. Now, I show you a floor—I am sorry, had you finished? A. (Continuing) —I said it lasted until he became assistant chief, and that I think was some time in 1937.

Q. I show you a photostatic copy of a floor plan and [1493] ask you if that layout shows the rooms of some of the Trade Agreement offices in 1937 and 1938? A. Yes.

Q. In what room were you with Mr. Darlington? Give us the number.

MR. CROSS: Perhaps I had better have it marked first.

A. I think it was—well, I don't remember the exact room but it was either 136 or 138 or 140 or 142. I think I can exclude 142. 136, 138 or 140, I believe.

Q. That is, your memory now is that when you occupied a room with Darlington it was one of the three numbered rooms that you have just told us? A. Yes. Now I can narrow that down a little further. I think that 136 was an anteroom. So I think it was either 138 or 140.

MR. CROSS: Will you mark this as Defendant's Exhibit FFF in evidence.

(Marked Defendant's Exhibit FFF.)

A. (Continuing) Let me say it was 138 or 140 to the best of my present recollection.

Q. Now before I show this to his Honor and the jury, will you tell me what room Mr. Harry C. Hawkins, the chief of the Trade Agreements Section, occupied.

A. I think that was 134.

Q. 134? A. It may have been, though, 130.

Q. When Mr. Darlington became assistant chief what [1494] room did he occupy? A. Well, may I just go back to your preceding question? 134 is the room that—

Q. A little louder, please. A. 134 is the room that was occupied by Mr. Hawkins, I am pretty sure. When Darlington became assistant chief I think he had the room either 138 or 140 that he and I had occupied generally before his promotion.

Q. Now, what room did Mr. Fowler, an assistant chief, occupy? A. I think he had 130.

Q. Mr. Deimel, another assistant—what room did he occupy? A. Well, he had 130 for a while and then Fowler had it.

Q. Now will you give his Honor and the jury the room numbers of all the rooms that according to your best recollection were occupied by the Trade Agreements Section in the latter part of 1937 and early 1938.

A. Well, as nearly as I can recollect, Mr. Cross, the rooms occupied by Trade Agreements Division were the ones included on this diagram.

Q. Which is Defendant's Exhibit FFF. A. Now, there may have been one or two rooms here that were not used by Trade Agreements at that time, but certainly most of them were being used by Trade Agreements.

Q. Where was Mr. Pasvolsky's office? A. It was down the hall or—

[1495] Q. What number on your chart was Mr. Pasvolsky's office? A. I am not sure, come to think of it, whether he was on the first floor or second floor at that time.

Q. What is his first name? A. Leo.

Q. And what was his position in the latter part of 1937 and early 1938? A. He was special assistant to the Secretary.

Q. And on the information copies a copy would be marked SA that was going to him, wouldn't it?

A. SA-P was the symbol that he had.

Q. SA-P? A. Yes.

MR. CROSS: Now ladies and gentlemen, this is the floor layout of the rooms that Mr. Wadleigh had been referring to occupied by Trade Agreements (indicating).

Q. Now, if you were going from the Trade Agreements Section up to Mr. Sayre's office, is there some stairway there that you could take at the end of that corridor that would bring you right out by Mr. Sayre's office?

A. Yes, at the south end of the corridor the stairway would bring you out close to the entrance of Mr. Sayre's office.

Q. And when you were going to Mr. Sayre's office or coming from Mr. Sayre's office that is the way you generally went? A. Not necessarily. There was a stairway also in the middle of the hallway.

[1496] Q. Well, you say not necessarily, but can't you agree that that is the usual way that you went? A. No, either way would be equally short. You could either go all the way down the hall and go upstairs or you could go upstairs halfway down the hall and then go the rest of the way down the hall on the second floor.

Q. You went to Mr. Sayre's office from time to time, didn't you? A. Sometimes yes.

Q. And you went to Mr. Hiss's office from time to time, didn't you? A. I did.

Q. And you had been in Mr. Hiss's office when you and he were alone, hadn't you? A. I don't recall that I was in his office when he and I were alone at any time, prior to my trip to Turkey.

Q. Did you testify at the first trial that you did go to Mr. Hiss's office and you remembered on one or two occasions you were there with Mr. Hiss alone?

A. I do recall one or two such occasions after the trip to Turkey.

Q. Were you asked this question at page 1357 and 1358:

"Q. Did you ever have occasion to go into Mr. Sayre's office on business? A. Yes.

"Q. Did you ever go alone into the office? A. I may have gone alone, to see—I don't recall ever having gone [1497] alone to see Mr. Sayre. I believe I was alone with Mr. Hiss in his office on one or two occasions."

Were you asked that question and did you give that answer— A. Well, I don't—

Q. Please. A. I don't recall the questions.

Q. Well, you have not let me finish, Mr. Wadleigh.

A. I beg your pardon.

Q. Were you asked that question and did you give that answer at the first trial when you testified on June 16, 1948? A. I don't recall that question and I don't recall that answer, but if I gave that answer it was correct.

Q. Now— A. May I add that my present recollection is precisely in accordance with what you read out. I do recall one or two occasions when I went to Hiss's office and sat with him there alone, those one or two occasions subsequent to my return from the Turkish trip.

Q. Now, Mr. Wadleigh, you not only stole Government papers and turned them over to Carpenter and Chambers but you also passed along to Chambers information, oral information, from time to time, didn't you?

A. I talked to him quite freely about what I knew of what was going on in the State Department.

Q. Now will you answer my question? A. Well—

MR. CROSS: Let us have the stenographer read the question.

[1498] (Question read.)

A. Passed along to Chambers oral information? Well, that would be included in my statement that I talked quite freely about what I heard in the State Department.

Q. Let me put it this way: as you went around from conference to conference and as you met people in your official capacity you kept your ears open for any information that you thought the Communist Party would like to

have and you passed it on to Chambers and to David Carpenter, didn't you? A. Yes, I did.

Q. And you made that a regular practice? A. Yes.

Q. And at these luncheon meetings and weekly meetings with Whittaker Chambers you were passing on to him information that you had picked up in your official capacity that you thought would be of help to Soviet Russia, didn't you?

A. If I had anything that I thought would be of interest I passed it on.

Q. And you made it your special business to keep your ears open for just such information, didn't you?

A. I didn't have to go out of my way just to keep my ears open. That is something that one does naturally anyway.

Q. Well now, did you purposely try to pick up from conversations, official conversations, such bits of information to pass on to the Communists as you could?

[1499] A. I don't remember making any special effort to ascertain information. In fact, I was rather careful not to appear too inquisitive about things that were not considered my business, but—

Q. That is, they might think that you had an overgrown curiosity? A. Quite correct.

Q. And you intentionally tried to hide your curiosity so that they would not know that you were particularly interested in these bits of information to pass on to the Communists? A. Obviously.

Q. And throughout this entire period you made it a practice not only to pass on papers but to pass on any information that you heard in your official capacity to Chambers and Carpenter, didn't you? A. Yes.

Q. And that was one of the purposes of your weekly meetings or your luncheons with Whittaker Chambers, wasn't it? A. Oh, I don't recall that that was stated specifically as one of the purposes, but naturally—

Q. That is what you did, wasn't it? A. If I had anything of importance to tell them along those lines I would tell it to them.

Q. And that practice continued very shortly after you went to the State Department, about March of 1936, until about the middle of February 1938?

A. About that time, yes.

[1500] Q. A period of almost two years? A. That is correct.

Q. And you knew that in passing on that information that you had picked up in conversations that you had heard in your official capacity, you were violating the espionage laws of the United States?

A. I think I have already answered that question, haven't I?

Q. I asked you, Mr. Wadleigh, whether or not you knew that when you passed documents you were violating the espionage laws of the United States. I now ask you, when you passed on oral information that you had picked up that you thought would be helpful to the Communists, if you did not realize you were violating the espionage laws of the United States of America?

A. Well, I had not studied the laws and I didn't know how far they related to across-the-table conversations.

Q. Well, were you cognizant of a distinction between the two when you were passing documents and this information? A. No. I knew that in a general way the activity was illegal. Now, which particular phases of it were within the letter of the law and which were not was a matter that it seemed to me—that never occurred to me to speculate upon or investigate.

Q. Let me put it this way: You knew during practically two years that you were engaged in a criminal [1501] conspiracy against the Government of the United States with Whittaker Chambers and with David Carpenter, didn't you? A. What I knew was that I was acting illegally.

Q. You knew you were in a criminal conspiracy against the Government that hired you?

A. I knew that I was acting illegally. Now just exactly what constitutes a criminal conspiracy is something

which I, not being a lawyer, would not care to express an opinion about. I just knew that I was acting illegally.

Q. You knew that you were acting in that way in cooperation with Whittaker Chambers and in cooperation with David Carpenter, didn't you?

A. That I knew, of course.

THE COURT: We will take a recess now until a quarter after two.

(Recess to 2:15 p. m.)

[1502] Afternoon Session

MR. CROSS: If your Honor please, with Mr. Murphy's consent, which has been given, I would like to interrupt the cross-examination of Mr. Wadleigh long enough to put on a short defense witness who may have to go to China shortly. Mr. Philip C. Jessup.

PHILIP C. JESSUP, called as a witness on behalf of the defendant, being duly sworn, testified as follows:

Direct Examination by Mr. Cross:

Q. Please state your name and address. A. My name is Philip C. Jessup. I reside in Norfolk, Connecticut.

Q. What is your present Government position?

A. My present position is Ambassador-At-Large of the United States.

Q. How long have you held that position? A. I have held that position a little over a year.

Q. Will you please, Mr. Jessup, state your past official and professional positions. A. I have been a member of the faculty at Columbia University since 1925, and I am now on leave of absence from the University.

My Government connections have included a position, first, as Assistant to the Solicitor of the Department of State in 1925; Legal Adviser to the Ambassador to Cuba in 1930; Chief of the Division of Personnel and [1503] Training of the Office of Foreign Relief and Rehabilitation Operations of the Department of State in 1943; member of the Advisory Committee to the Delegation to the San Francisco Conference of the United Nations in 1945.

During the war I was Assistant Director of the Naval School of Military Government at Columbia University and also served during that time as consultant to the Navy Department.

In 1948 I was appointed to the United States Mission to the United Nations here in New York and occupied various positions in that Mission, including Deputy Representative of the United States on the Security Council of the United Nations.

Q. Are you at the present time a member of the United States Delegation to the General Assembly of UN? A. I am, sir. I was a member of the Delegation last year to the Assembly.

Q. And that, in addition to your official position as Ambassador-At-Large of the United States? A. That is right. That is an additional duty.

Q. Were these positions that you have held, first as Deputy United States Representative in the Interim Committee of the United Nations, and as the Deputy United States Representative to the Security Council of the United Nations and as a member of the United States Delegation to the General [1504] Assembly of the United Nations Presidential appointments?

A. They were Presidential appointments, yes.

Q. And with Senate confirmation in each instance?

A. Yes.

Q. That is likewise true with reference to your governmental position as Ambassador-At-Large? A. That is also.

Q. Was your deposition taken at some time before, say, June of 1949, in connection with the Hiss case? A. Yes, sir.

Q. And where were you when that deposition was taken?

A. I was in Paris, France, attending the meeting of the Council of Foreign Ministers.

Q. If it is a proper question, Mr. Jessup, were you designated by the President of the United States to negotiate with Soviet Russia in connection with an attempt to

lift the Berlin Blockade? A. Well, sir, I will just explain the form of action in those cases.

Q. What did you have to do with that? A. The instructions to the representative do not come directly from the President in detail. They come through the Secretary of State, but I was instructed and authorized to negotiate on that case with a representative of the Soviet Union, resulting finally in the lifting of the Berlin Blockade.

Q. That was the year 1948? A. Yes, sir.

Q. Do you know Alger Hiss? A. I do, sir.

[1505] Q. When did you first meet Alger Hiss? A. My earliest recollection of meeting him is in 1943, when I was serving in the State Department and when I met him rather casually at some party in Washington. I don't recall meeting him prior to that date.

Q. Prior to that date do you know whether or not Mrs. Jessup and Mrs. Hiss knew each other and saw each other frequently? A. Yes, sir, they did. They knew each other and saw each other on a number of occasions.

Q. Will you tell his Honor and the jury, Mr. Jessup, just what your contact with Mr. Hiss has been since you first met him in 1943? A. My contacts just after that were occasionally official contacts while I was in the Department, with no particular contacts until just before the San Francisco Conference of the United Nations in 1945, when I was appointed to a preliminary United Nations Commission which met in Washington just before the San Francisco Conference. Mr. Hiss had been designated at that time to act as Secretary-General of the San Francisco Conference, and my official work brought me into contact with him then. When I was on the Delegation at San Francisco I had numerous occasions to have contacts with him in his official position.

After that Conference during, I think it was, that same summer, and subsequently, I was called down to the State Department from time to time as consultant. Mr. Hiss [1506] was then in the Department dealing with United Nations affairs with which I was working and I saw him officially from time to time in that connection .

Subsequently when he was elected president of the Carnegie Endowment for International Peace I was a trustee of that organization and participated in the consideration of his name and in his selection as president of the Endowment.

After he assumed the presidency of the Endowment the work of that organization, under his direction, concentrated very largely on questions having to do with the United Nations.

Since I began my official work on that subject in 1948 my contacts with him related both to the activities of the Carnegie Endowment in my capacity as trustee, and also to the fact that that work of the Endowment was considered by the Department of State as an important contribution to the general study we were making of affairs in the United Nations, so that in connection with that official work I had frequent opportunity, and necessity in fact, for consulting with him in regard to the progress of that work.

At about that time, I think it was in 1948, Mr. Hiss was asked by the State Department to head a group of consultants who would study some of the problems which were confronting the Department of State. The Department, [1507] from time to time, has made use of outside consultants, and in this case again a number of persons of experience in the field under Mr. Hiss's chairmanship, were asked to consider various problems with which we were confronted, to study them and to submit any memoranda they chose to the Department of State, and I participated in that group and in that work.

My contacts during this period with Mr. Hiss were not only official but also close, friendly, social contacts, dinner, lunch and things of that kind.

[1508] Q. Would you tell us, Mr. Jessup, what some of the problems of this committee that was appointed upon the initiation of the State Department and of which Mr. Hiss was chairman in 1948 had to do?

MR. MURPHY: Your Honor, I object to the question as having no bearing, relevancy or materiality to the issue.

THE COURT: I can't see what relevancy it has.

MR. CROSS: Well, I won't argue it. I may come back to it. It depends on cross-examination.

Q. In that connection you met Mr. Hiss when he presided at meetings of that committee? A. Yes, sir.

Q. And were there several members? Was it a large committee? A. I don't remember the exact number. My recollection would be that probably 10, 15 people, something of that kind.

Q. Have you, Mr. Jessup, talked with people and heard speech from people with reference to Alger Hiss?

A. I have.

Q. Have you an opinion as to the reputation of Alger Hiss for loyalty, integrity and veracity?

A. I have.

MR. MURPHY: Your Honor, I object to the form of the question. I have no objection if the question is asked as to what this witness knows of his reputation. I think "opinion" is not important.

[1509] THE COURT: I think, Mr. Cross, the usual question is "do you know?"

MR. CROSS: I will ask the technical question:

Q. Mr. Jessup, do you know the reputation of Alger Hiss for loyalty, integrity and veracity?

A. Yes, sir.

Q. What is it? A. It is good.

MR. CROSS: Your witness.

Cross Examination by Mr. Murphy:

Q. Now Mr. Jessup, I was interested in that part of your direct examination in which you said that you were very friendly with Mr. Hiss on a social level; that you had on many occasions had lunch and dinner with him. Would you on any of those occasions remember having lunch or dinner at his home? A. Not in New York, no, sir.

Q. No, in his home; I don't care where he lived.

A. During this period, no—

Q. During the period that you had lunch and dinner with him. A. Not in his home.

Q. Not in his home? A. No.

Q. And so that we can understand when your acquaintanceship with him began,—my recollection is and I made a note that it began in 1943. A. Yes.

Q. And I take it from that that you did not know him in 1937 and 1938 and 1939? A. That is correct.

[1510] Q. And, of course, you know nothing about the facts in this case at all? A. That is right.

Q. You said yes? A. I know nothing of my own knowledge about the facts of the case.

Q. And did you prior to 1948 ever hear any rumor or gossip from these people that you talked to that Mr. Hiss was a member of the Communist Party? A. Never.

Q. Or did you ever hear prior to that date that he had taken documents out of the State Department and gave them to people who were unauthorized to receive them?

A. Never.

Q. Now, you said, I think, that your wife and Mrs. Hiss were rather friendly before you and Mr. Hiss came to know each other? A. Yes.

Q. Your wife's maiden name was what, Mr. Jessup?

A. Her maiden name was Lois Walcott Kellogg.

Q. Do you know whether your wife in 1947 was a member of the directors of the China Aid Council?

A. I believe she was.

Q. And was she friendly with Mrs. Hiss at that time?

A. Yes, sir.

Q. Do you recall being asked a question in your deposition which was taken in Paris last year whether or not you had ever met a person named Jacob Aranoff?

A. I recall that name, yes.

[1511] Q. And your answer was that you did not recall any person of that name? A. That is correct.

Q. Has your memory been refreshed since at all?

A. I have no recollection of that name.

Q. Are you a member now or are you associated with the Institute of Pacific Relations? A. I am.

Q. Are you a member now or associated with the American-Russian Institute for Cultural Relations with the Soviet Union, Inc.? A. No, sir.

Q. Have you ever been a member or associated with that organization? A. I have been associated with it in the past in rather meagre connections. I am unable to say whether I actually was ever a member of it. I don't recall that I ever was actually a member.

Q. You have had occasion, have you not, to read your deposition that you gave last time? A. Yes.

Q. How recently would you say you looked at it?

A. Within the last week.

Q. Did you look at it at your request or at the request of Mr. Cross or his associates?

A. I was planning to come down and testify so I looked at it for my own information.

Q. Did I read in the paper that you were recently out on the West Coast? A. No, sir. At least, I wasn't there.

[1512] Q. You are going to leave for the West Coast?

A. I am going to, yes.

Q. Were you ever a member of or associated with the National Emergency Conference for Democratic rights?

A. I am not familiar with that organization and I have been unable to recollect any connection with it.

Q. Are you a member or have you been associated with the China Aid Council? A. I have never been a member of it. I had some association with it.

Q. What association did you have? A. My associations with it were at the time when I was actively interested in the Institute of Pacific Relations, which is concerned with a study of the problems of the Far East, and in that connection we had contacts with other organizations also interested in parts of the Far East.

Q. Did you tell us in what manner you were associated with—your description now is— A. I don't remember specific contacts. I remember that we had ques-

tions of common interest about arranging meetings, publications, things of that kind, but I have no recollection of detail on it.

Q. Were you ever a sponsor of a dinner and a presentation on May 7, 1946 in this city of the American-Russian Institute for Cultural Relations with the Soviet Union?

A. I have not been able to find any better recollection [1513] than I had before in regard to that. During that period I was in the hospital from January to June of that year. It is conceivable that during that period someone asked me to have my name put on the list of sponsors, and I may have consented and my name may have been put on the list, I have no recollection of it.

Q. If it was on the list can I say that it was there with your consent? A. I would assume so.

MR. MURPHY: All right, thank you.

Redirect Examination by Mr. Cross:

Q. Mr. Jessup, these organizations that were inquired about by Mr. Murphy you were asked about in Paris in the spring of 1949, were you not, when you were over on UN duty?

MR. MURPHY: June I think.

A. U.S. duty, yes, sir.

Q. U.S. That was after your negotiation with the Russian Government on the lifting of the Berlin blockade?

A. Seven months after.

Q. With reference to this Institute for Pacific Relations you were asked about that in Paris, weren't you, in your deposition? A. Yes.

Q. Tell us some of the people who were on the board or have been on the board since you have had anything to do with it. A. The board has included during the period when I was associated with it, which began in 1933, [1514] at that time the chairman, who was also a member of the board, Mr. Newton Baker. The names I recall during the intervening period are Mr. Harry Luce, of Life, Time and Fortune; Mr. Gamble—I think of—I am not sure

whether it was Standard Oil or Socony Vacuum; a number of officers of banks of New York; Mr. Herod, the president of International General Electric; a good many academic people.

MR. MURPHY: Well, I don't want any description. If you can give us the names I have no objection.

Q. Did you give us Mr. Ray Wilbur's name? A. Mr. Ray Lyman Wilbur succeeded me as chairman of the American Council of the Institute.

Q. And he was president of Leland Stanford University?

A. Yes, sir.

Q. And whom did you succeed? A. I succeeded Professor Carl Alsberg of the University of California.

Q. Were you connected with it from the date of its organization? A. No, sir.

Q. What was the purpose of that organization?

A. It was founded in 1925 by a group of business men, other persons in Honolulu, for the purpose of studying the relations of countries in the Pacific area and increasing a public understanding of those problems.

Q. And your connection with that organization has [1515] been to promote those purposes? A. Yes, sir.

Q. Then there was a mention made of China Aid Council. What can you tell us about that organization?

A. I can tell you mainly only about aspects of it which my wife and I were interested, partly the fact that they absorbed, as I recall, an organization under a different name which was engaged in raising money for Chinese war orphans in which my wife was interested, and, as I recall, that became affiliated with the China Aid Council; and in that connection she became interested in the work of the China Aid Council. Their general activity in large part was somewhat parallel to that of the Institute in the sense of arranging meetings, having speakers, and so on, to increase information about China.

Q. And so far as you know your wife, Mrs. Jessup's contact with that organization and yourself have been to promote the purposes that you have just indicated?

A. That is correct, sir.

Q. Now I will ask you whether one of the principal purposes of the committee that was set up in 1948 by the State Department of which Alger Hiss was chairman, and you and others were members, was to try to hold in check the Soviet Union—

MR. MURPHY: I object to the question; it is a leading question, and besides that appears to have [1516] no relevancy on redirect.

MR. CROSS: It certainly has relevancy in view of the questions. If there is any question about form I will restate it:

Q. Mr. Jessup, will you state what the purposes were of that committee?

MR. MURPHY: Your Honor, I submit that it is, one, not proper redirect; I did not touch on any committee of which Mr. Hiss was a member; two, I submit that it is not relevant in the present inquiry in any event.

THE COURT: I should think in view of your cross-examination it was. The question is not framed well.

MR. CROSS: I have rephrased it.

Q. I will ask you, Mr. Jessup, to state to us what were the purposes of the committee that was set up by the State Department, Federal State Department in 1948, of which Mr. Alger Hiss was chairman and you and others were members. A. I can say that one of the questions which was considered and which we desired to consider was the question of Soviet-American relations and how the position of the United States in regard to the Soviet Union could be strengthened.

Q. And during the last year when you have been a member of the Security Council have you been called upon from time to time to answer the claims and the demands [1517] and the positions of Soviet Russia? A. Frequently, sir.

Q. And have you spoken out and it has been in print? A. Yes, sir.

Q. Stating the position of your Government? A. Yes, sir.

Q. In the course of these comments, Mr. Jessup—and I am reading from the Department of State Bulletin—what is that? A. That is an official publication of the Department of State.

Q. And this is for September 5, 1949—

MR. MURPHY: Your Honor, I submit now that we are going a little far afield.

THE COURT: I should think so, Mr. Cross.

MR. CROSS: I think if he has publicly expressed himself with respect to Soviet Russia in an official publication of the State Department, that should be brought in in view of some of the questions that were asked on cross-examination.

THE COURT: I will have to wait until I hear the question before I rule.

Q. Have you publicly stated in—

THE COURT: But you should not lead or quote from something not in evidence.

Q. Have you stated your view, Mr. Jessup, and that of this country, that our idea of freedom and the good life is something we have to export; if we do not [1518] export it the people who do not know it exists will buy the cheap shoddy promises—

MR. MURPHY: Your Honor, I think you have asked Mr. Cross not to read it. If we are going to ask the question, can't he ask the witness what he said and let it go at that rather than have him read it?

MR. CROSS: I asked him if he so expressed himself.

MR. MURPHY: I know, but the Judge has asked you not to read something not in evidence.

Q. Mr. Jessup, will you state to his Honor and the jury the substance of what you have said in print and before the Security Council with reference to Russia?

A. I made a good many statements. I do not know that I can recall all of them, but the tenor of the statements which I have made expressing the views of the United States and my own has been to the effect that the Soviet Union is engaged in an imperialist drive to promote the Communist philosophy throughout the world and thereby to destroy the freedoms of the free people of the world. That is a rough summary, perhaps, of the theme which I have had to reiterate on many occasions.

MR. CROSS: Thank you.

[1519] *Recross Examination by Mr. Murphy:*

Q. Those are the views of our Government, are they not, Mr. Jessup, and your own? A. Yes, sir.

Q. And those were your views, I take it, back in 1938, 1937 and 1936? A. Yes.

Q. And at this time you abhorred Communists, didn't you? A. I did.

Q. And still do? A. I do, sir.

Q. And anybody who collaborated with them were, in your opinion, on a pretty low level? A. Yes, sir.

Q. Now, just so that we can spread the credit around, you don't claim sole proprietorship of lifting the Berlin air blockade? A. Not at all, sir.

MR. MURPHY: All right, thank you very much.

MR. CROSS: Thank you very much.

(Witness excused.)

[1520] HENRY JULIAN WADLEIGH, resumed.

Cross Examination continued by Mr. Cross:

Q. I want to ask, Mr. Wadleigh, a few questions about your meeting with Sasha. A. Yes.

Q. That was arranged, as you understood, by Chambers?

A. It was.

Q. Who did Chambers tell you you were supposed to meet?

A. Well, he gave the name of Sasha and I think he referred to him as—well, I don't know whether he used the phrase "the boss" or not. I don't believe he did. I think he simply said that he was some—well, all I can remember is I got the impression he was somebody fairly high up in the apparatus.

Q. Chambers actually referred to him as "the boss," didn't he? A. I don't think he did. Maybe he did, but I don't remember specifically that he did.

Q. You understood when he made the reference to "boss" that he was referring not only to Chambers' boss but your boss too, didn't you? A. I don't quite—would you mind repeating the question?

MR. CROSS: Will you read it?

Q. (Read.) A. I don't remember that he used the word "boss" at all.

Q. Did you in one of your articles say: "At one of our meetings"—

[1521] MR. MURPHY: What date?

MR. CROSS: This is July 15, 1949, in the New York Post.

Q. (Continuing) "At one of our meetings Carl told me that he was going to introduce me to 'the boss'."

A. Well, that—

Q. Wait until I ask the question, please. A. I beg your pardon.

Q. At this meeting did Chambers say that he was going to introduce you to the boss? A. I am not sure that he used that word.

Q. Well, you used the word in writing the article for which you were paid by the New York Post and put that in quotations, didn't you? A. I did.

Q. Continuing: "I gathered that this was the head of our apparatus." Did you at the time before you met the boss gather that he was the head of "our apparatus"?

A. That was, so far as I can remember, that was the general impression.

Q. That you had? A. That I had from Chambers.

Q. "Carl referred to him by the name of Sasha." Is that correct? A. It is.

Q. "Naturally I felt pleased." Did you? A. I guess so.

Q. That you were going to meet the boss, is that right?

[1522] A. I think so, yes.

Q. "The boss of our apparatus". Is that right?

A. Yes.

Q. Whom you knew was heading up the work that you were doing in stealing of papers and turning them over to Carpenter and Chambers? A. Well, there again I have a reservation on the word "stealing".

Q. I thought we had gotten over that but I will say you knew that he was the boss heading up what you and Chambers and Carpenter were doing, didn't you? A. Well, that was my understanding.

Q. How soon after this talk with Chambers did you hold the meeting? A. Oh, I don't remember what the interval of time was.

Q. A matter of days? A. Oh, probably a week, maybe two weeks.

Q. Was it a nocturnal meeting? A. It was in the evening. It was a dinner meeting in a restaurant.

Q. Did you first meet him somewhere in the dark? Yes or no. A. I met him out on the street. Just how much daylight was left at that time I really don't remember.

Q. Well, what time was it? A. Well, it was the time at which one usually meets a person for dinner in the evening. If it were in the spring or summer it would probably be light. If it were in the winter or fall it would probably be dark.

[1523] Q. And this was at the end of 1937? A. I am not sure as to the date.

Q. It was at the end of 1937? A. I am not sure about the date.

Q. Was it towards the end of 1937? A. I am not sure about that.

Q. Have you gotten less sure since you wrote your articles for pay? A. My impression is, so far as my own independent recollection goes, that it was in the latter part of 1937, but I am not too sure about that.

Q. Is this the fact: "It was"—

MR. MURPHY: What date?

MR. CROSS: The same date. July 15 and just before the sentence I read before headed "Meets Sasha": "It was near the end of 1937 that Carl introduced me to a person who was later to become the subject of puzzled speculation." Was it towards the end of 1937 or near the end of 1937?

THE WITNESS: My general impression is that it was, but I am not too sure about that. I might have made a mistake on the timing of it.

Q. Well, has your memory got less vague on this point since you wrote that article? A. Less vague? Now I would say somewhat more vague, if anything.

(Laughter.)

Q. I thought you would say that.

[1524] THE COURT: Now we won't have any laughing. Otherwise we won't have any people in the courtroom except witnesses.

THE WITNESS: From the words of my article it would seem at the time I wrote it I felt somewhat more definite about that date than I do now.

Q. Your memory is not quite as good now as it was in July on this point? A. I think I have made myself clear on that point; that I have a memory impression of it being in the latter part of 1937. When I am writing a newspaper article I give my general impression to the best of my recollection and write it down as part of my story. When I am talking under oath I qualify anything which I do not recollect with certainty by saying that I am not too sure about it.

Q. Well, have you written many newspaper articles besides these 12 articles? A. No.

Q. Have you written any? A. No.

Q. So that when you say when you write newspaper articles, you mean you wrote the 12 articles? A. Obviously so.

Q. Where did you meet Sasha? A. Somewhere in Washington. I think in the northeastern part of the city.

Q. Have you any more recollection as to the place of meeting than that? A. None at all.

[1525] Q. Where did you meet Chambers? A. Originally you mean? My first meeting?

Q. No, no. On that night? A. I believe I met him at the spot at which I met Sasha. In other words, I think that he had Sasha already with him.

Q. Well, they told you where to meet them, or Chambers told you where to come? A. Certainly.

Q. And you cannot now remember within blocks or a mile or so of where you met them? A. That is correct.

Q. Have you tried to remember? A. I have tried.

Q. A pretty important meeting, wasn't it, where you were so pleased to meet "the boss of our apparatus"? A. Well, I was accustomed to meet these people in all kinds of odd places and I never paid much attention to the location.

Q. When you say "these people" you mean other Communists? A. I mean Harold—

Q. Please. Do you mean other Communists? A. Let me tell you who I do mean. I mean Harold. In other words, Carpenter and Chambers. I mean those two.

Q. And you limit your answer to those two? A. I do.

Q. This was a pretty memorable occasion, wasn't it?

A. Well, it was an occasion of some significance, certainly.

Q. When you came up you were introduced, I assume, by Chambers? A. Yes.

[1526] Q. How were you introduced? A. Probably in the usual way, which would be this: that without—

Q. No. I want your memory, sir. A. Well, this is the best I can give you: so far as I can recollect it happened in the way which was usual, I gather, for such meetings. At least it happened when I first met Harold and it happened when I first met Chambers, that my name was not mentioned. I was simply—well, I am not sure. I forget the exact protocol of it, I really don't know. All I know is that Chambers introduced me to this man. I tried to shake hands with him and found that he had his right sleeve hanging loose and he gave me his left hand.

Q. And it was for that reason that you remembered that incident very well? A. I have a very distinct memory impression of that.

Q. Now, after this introduction when he gave you his left hand, and his right sleeve was empty, where did you go?

A. Into a restaurant.

Q. What restaurant? A. I don't know.

Q. Did Sasha speak English? A. Yes.

Q. Did he speak English well? A. Well, enough for practical purposes. He spoke with an accent.

Q. Did he speak English well but with a distinct Russian accent? A. Sounded Russian to me.

Q. Well, did he speak English well with a Russian accent?

[1527] A. He spoke it pretty well, as far as I can remember.

Q. In your article you say: "After the introduction we went to a restaurant for dinner. Sasha, who spoke English well but with a distinct Russian accent, lost no time in getting down to business." Is that correct?

A. To the best of my recollection.

Q. Now, what was the business at hand in that restaurant?

A. The passing of documents.

Q. What was said and tell us who said it, if you can. I know you cannot give the exact conversation, but give us the substance of it and tell us who said what and in the order in which it was said. A. Sasha said, in effect, that people in Moscow thought that if I was able to give

them what I was giving them it ought to be possible for me to give them other material besides.

Q. Was that all you recall? A. Well then, of course I assured him that that was not so; that I was not holding anything back, and I said perhaps it is not clear enough to me just what kind of material you want, and then he repeated what had been made perfectly clear to me before—

Q. Tell us what was said. A. —namely, that they wanted information on Germany and Japan, and I remember—I can remember more specifically what he said then, that, he said, "We want to know about the preparations that the Germans and Japanese are making to wage war against us."

[1528] Q. And by "us" you understood he meant Russia?

A. Yes.

Q. And that if you could get anything that suggested that either Japan or Germany was threatening or preparing for war against Russia, he wanted you to get it and pass it on? A. That is not quite the—that is not quite it. What he said implied that there was no question at all that the Germans and Japanese were preparing war. The information that Sasha wanted was information bearing on the preparations which the Germans and Japanese were making. He knew that they were making such preparations and he wanted material which would have a bearing on the nature of those preparations; in other words, the economic background and basis of their preparations for war.

Q. And you told him that so far as you could do it you would see that they got that kind of information out of the State Department, didn't you? A. I told him that I was trying to do that.

Q. And that you would do better? A. Well, I don't remember saying that I would do better, but I certainly indicated that I was intending to do my best and that I hoped I would have the opportunity to do better.

Q. That you hoped that you would have the opportunity to do better? A. Yes.

Q. Given the opportunity from Chambers and from Sasha, [1529] is that right? A. I don't understand what you mean by "opportunity".

Q. You said you hoped you would have the opportunity. You mean given the opportunity by Sasha and Chambers, or given the opportunity to get such information as they might want out of the State Department? A. Obviously the latter.

Q. As a matter of fact, Sasha told you that the people in Moscow were not satisfied with the material you were turning in, didn't he? A. Well, that was implied in what I just told you. Obviously if they thought that I was in a position to turn in more than I did they were not satisfied.

Q. And he told you that they believed that a man who had access to what they had received from you must also have access to many other valuable documents which you had not delivered, didn't he? A. That was the general tenor of his remarks.

Q. There was not the slightest doubt in your mind but what when you three, Chambers, Sasha with the empty right sleeve, and yourself, sat in that restaurant that you knew that they suspected you of holding back a considerable part of available material, is there? A. Well, that was pretty much what Sasha said.

Q. Well,— A. I mean what you are saying is a paraphrase of what I have just told you that Sasha said, [1530] and if he said it of course I realized he was saying it.

Q. And it was a considerable part of the available material they thought you were holding back? A. Just how considerable I don't know. As I remember it, he said that they suspected me of holding back some material.

Q. Did he say, in short, they suspected you of "holding back a considerable part of the available material"?

A. Something to that effect.

Q. Were you astonished to hear that? A. I think I was rather.

Q. Very astonished, were you? A. I think so, yes. It was surprising.

Q. You thought that they were accusing you of doublecrossing them in Moscow, didn't you? A. There seemed to be some such implication; not that they were accusing but that they were questioning.

Q. Well, they suspected you of holding back, didn't they?

A. I gathered it was a questioning suspicion rather than a positive accusation, so far as I can remember.

Q. Whatever it was, whether a suspicion or whether you felt that they suspected you, it was doublecrossing Moscow that you understand the suspicion was about, wasn't it?

A. Well, what motives they might attribute to me for giving some stuff and holding back other stuff I did not know at the time, and I don't remember that I did much speculating [1531] on it.

Q. You did not? A. No.

Q. Let me see. Do you in your article say: "I was really astonished to hear this"— A. Well—

Q. Let me finish. A. I beg pardon.

Q. I thought I heard you laugh. "I was really astonished to hear this and then reflecting a moment I realized how difficult it must be for those men in Moscow, living so far away in a totally different world, to get a clear picture of my situation. The selection of documents for the circulation to the Trade Agreements Division in the State Department was rather haphazard and this was the reason for the spotty character of my contribution." Does that correctly state your astonishment and your feeling at the time?

A. Well, of course I was astonished and it was a very—

Q. Did you assure Sasha that you were not holding anything back and try to explain the situation to him?

A. I did.

Q. Did it occur to you that knowing next to nothing about the way the material was being used by them, you must often have made mistakes in your selection from material available to you? A. I think that thought occurred to me.

Q. And did you then say to Sasha, "Perhaps I do not really understand enough about what kind of material you [1532] want. Can you tell me something about that?"? A. That was the general tenor of the conversation.

Q. And what did he say? A. That was when he made this remark about the war preparations of Germany and Japan which I have already mentioned.

Q. Did he say: "We want everything that bears on the preparations the Germans and Japanese are making for war against us"? A. I recall quite clearly that he said something very close to that.

Q. Well, in your article you put that in quotations, didn't you? A. I did. In substance, it is what he said. As for the exact words, I think any reader would have enough common sense to know I would not be likely to keep shorthand notes of such a conversation.

Q. Did he say that with an "air of finality" as if it were a complete answer to your question? A. Yes, I recall that very definitely, because I remember feeling quite disappointed that he should say that with such an air of finality that seemed to rule out any more detailed explanation on his part, as though he thought that that should be sufficient for me to understand.

Q. Then what did he say? A. I don't remember just what happened there after that.

Q. Did he wind up the discussion with a little sermon on self-criticism in which he said you must be always [1533] analyzing your defects and criticising yourself, "Aye, aye. Always analyze; always criticise." Is that what Sasha said on that occasion? A. That was how the talk ended as I remember it.

Q. And thereafter you continued to steal the papers from the State Department, didn't you? A. Again let me repeat my reservation on the word "steal".

Q. Well, you got them in the way we described this morning—stealthily? A. I continued to operate in the same way as before.

Q. Now, you were away from this country from about March 11, 1938 until around New Year's, 1939, were you not?

A. We can be more precise about it than that. I took a boat at 12 noon on March 11, 1938, from New York and I arrived at the pier in New York on the evening of December 31, 1938.

Q. Was there a man in the Trade Agreements Section during the period that you were there, or about the period that you were there, by the name of Lovell? A. There was.

Q. What was his first name? A. Leander.

Q. Leander Lovell? Did you ever hear Mr. Chambers say that he was so openly a Communist in the State Department that you should not have anything to do with him? A. No. He did not say that to me.

Q. He went to the State Department about the time you [1534] did, did he not? A. I believe approximately, but I am not sure about that.

Q. Was he there when you went to Turkey? A. I think so, but I am not sure.

Q. Who was your secretary in Trade Agreements Division, and if you did not have anyone regularly assigned, who did your stenographic work? A. The stenographic work was done by a pool of stenographers. The Trade Agreements Division had a pool of stenographers.

Q. How many? A. There must have been maybe 15; maybe 20; quite a large number anyway.

Q. Did you know anyone in the latter part of 1937 and early 1938 in the Far Eastern Division? A. Oh yes.

Q. Who did you know there? A. I met people from most of the Divisions.

Q. I beg pardon? A. I met people from most of the Divisions.

Q. Who did you know at that time in the Far Eastern Division? A. Well, I think the man I knew best in the Far East was Joe Jones, who did most of their economic work as I remember it.

Q. Who else? A. I met two or three others there but at the moment I don't recall their names.

Q. Joe Jones is the only name that you can give us from Far Eastern Division? A. The only name I can

give without [1535] prompting. If you want to prompt and ask, do I remember this name or that name, I may be able to recall.

Q. Was there someone transferred from Trade Agreements Section sometime after October 1937 to Far Eastern Division and who was there the early part of 1938?

A. I don't recall any such person.

Q. I think you said in direct testimony you saw Wadleigh twice afterward? A. Saw whom twice?

Q. I mean Chambers twice after you returned from Turkey.

A. I think it was twice, yes. It was at least twice, and I think it was no more than twice.

Q. After you came back to New York on December 31, 1938, did you return shortly thereafter to the State Department?

A. Well, I was working for the State Department all the time.

Q. Well, I mean to the State Department in Washington?

A. Yes. Immediately afterwards. In other words, I did not have any vacation following my return from Turkey.

Q. You were a specialist in the Trade Agreements Section, weren't you? A. Just what do you mean by "specialist"?

Q. Well, didn't you specialize on monetary controls of foreign countries, particularly Germany? A. I did before I went to Turkey. On monetary controls. I would not say particularly Germany.

Q. And that was a part of your duties in the early part [1536] of 1938, wasn't it? A. It was.

Q. And that was one of the problems that was involved in that proposed trade agreement with Germany that was under discussion in the latter part of 1937 and the early part of 1938? A. It was.

Q. And you were their one specialist on that in the Trade Agreements Section, weren't you? A. I was.

Q. Now tell us about when the first meeting, after you got back, was with Chambers. A. I just cannot recall the date of it. I have tried to recall.

Q. Would it be a matter of months? A. No, I think just a few weeks after I got back.

Q. So we will put it either in January or February, 1939. A. That would probably cover it.

Q. Did you get in touch with Chambers or did he get in touch with you? A. He got in touch with me.

Q. Telephoned to you at the State Department? A. Either there or at my home.

Q. Which was it? A. I don't remember.

[1537] Q. Well, Chambers had called you at the State Department before, hadn't he? A. If I remember rightly, he did. He usually called me at home when he wanted to call me, but he might have called me there.

Q. I said, he had called you at the State Department before, hadn't he? A. I would not say that for a certainty, but I think he did.

Q. Where did he call you this time? A. Either at the State Department or at home.

Q. The point is, he made an appointment for lunch that day, didn't he? A. Either lunch or dinner.

Q. And with that in mind do you tell his Honor and the jury that he called you at home or at the office?

A. It may have been either one.

Q. And that is as definite as you want to make it?

A. That is as definite as I can make it.

Q. Well, you did go out and have lunch or dinner with him? A. I did.

Q. Where? A. I don't remember the location.

Q. Now, what talk did you have with him on that occasion? A. That was the occasion on which he told me that he had deserted, as he put it.

Q. Well, is that all you recall of that meeting?

A. There is very little else of that meeting I can recall. I started out telling him about my Turkish trip, [1538] and, as nearly as I can recollect, somewhere half way through the lunch or dinner meeting, I think it was the lunch meeting, he suddenly broke this news to me.

Q. That he had deserted? A. Yes.

Q. And that is the way you want to leave it as to what the conversation was on your first meeting with Chambers in early 1939? A. I think there are a few more details that I can recall. Some of them I think are—probably all of them are in the articles.

Q. Well, you did not tell anything about it before, and I am just now asking you without any regard to the articles—I am asking what the conversation was.

A. Well, I just have to think a minute and try to remember just what was said.

Q. In the conversation? A. What was said at the lunch meeting. Well, he gave me his reasons.

Q. What did he say when you say he gave you his reasons? A. He said that people in Moscow had suspected him of being a Trotskyist; that they had suspected him or were convinced that he had—I don't remember exactly which—that he had become a Trotskyist and had converted me to Trotskyism, and he said they had recalled him to Moscow. He regarded that as an implied death sentence and decided not to go; and that was when he decided to desert, as he put it.

[1539] Q. Was this meeting not many days after you had been back in the office in the State Department?

A. It was some time shortly after my return, but just how shortly after I don't remember.

Q. Well, did you in your article say, "I had not been back in the office many days when Carl (Chambers) phoned me to make a dinner date or perhaps a lunch date"?

A. I may have said that in the article.

Q. Well, was it true? A. Perhaps it would have been safer if I had said it had not been many weeks, because I do not remember precisely how long it was. I can say with complete assurance that it was not very many weeks but it might have been 15 days, 20 days.

Q. Did he on that occasion when you had either dinner or lunch say to you that the Communists had ordered him to return to Moscow clearly with the intention of executing him when he arrived? A. Well, the order back

to Moscow was what they had given him; the intention to execute him was obviously his own inference; that was not what they told him.

Q. But he said to you that they had ordered him to return to Moscow, didn't he? A. As I remember it, yes.

Q. Did he tell you that he sat through many a night talking it over with Sasha? A. I do have that recollection very distinctly. Of course, I had no means of knowing [1540] whether it was the same Sasha.

Q. Well, he used the words that "I sat through many a night talking it over with Sasha"; didn't he?

A. He said something to that effect.

Q. Well, had you ever met another Sasha? A. No.

Q. Did you ask him if he meant the same one?

A. No.

Q. You took it he meant the one-armed one that you had met? A. Probably.

Q. Now, at that time did you tell him something about having come back from Europe on a boat that had some returning soldiers? A. Yes.

Q. Who had been in the Abraham Lincoln Brigade in Spain? A. Yes.

Q. And about seeing a number of them with their left foot bandaged up? A. I think it was the left foot.

Q. And that you finally asked one of them how it happened it was always the left foot, and they said that that was the way to get home, to shoot themselves through the left foot? A. No, they didn't say that. Very definitely they didn't say that. What he said was, "Yes, it is always the left foot; funny, isn't it," something to that effect.

Q. And you told that to Chambers? A. Yes. The part about its being a method of getting back home was [1541] just my own inference.

Q. But you told this to Chambers? A. I did.

Q. At this first meeting? A. I did.

Q. And then you said to Chambers, "I think you shot yourself through the left foot," didn't you?

A. I did.

Q. And Chambers said to you, "Let's don't beat around the bush. I am just a plain deserter"? A. As I can remember—I can almost recall his exact words—he did not say "I am just a plain deserter." He said "I just deserted, that's all."

MR. MURPHY: What is that, please?

THE WITNESS: "I just deserted, that's all."

Q. And he said, "Let's don't beat about the bush, I deserted, that's all"? A. "I just deserted, that's all," something like that.

Q. Now, what did Chambers say when he left you?

A. He said, "I am going to become a bourgeois now," and then gave me a pat on the shoulder and said, "That is what you will have to do too."

Q. And you made no comment? A. No comment at all.

Q. When was your second meeting? A. It may have been two or three weeks after the first.

Q. Tell us how that meeting was arranged.

A. I got a phone call from Chambers when I was sitting [1542] in my office and he asked me to meet him immediately in Jackson Place, which I did.

Q. Well, when he called you up what did he say?

A. He said, "Do you want me to starve," and then he asked me to meet him in Jackson Place.

Q. Well, when you picked up the telephone did you ask "Who is this, please?"? A. I did.

Q. And what did he say? A. He said "Carl", and he repeated it. He repeated it in a very loud, hysterical—sounding voice.

Q. Loud and hysterical-sounding voice? A. Well, he sounded desperate. I rather withdraw the word "hysterical" but he sounded desperate.

Q. And he repeated the name "Carl, Carl, Carl, Carl" four times, didn't he? A. Well, I don't remember the exact number, Mr. Cross. It might have been three; it might have been four.

Q. Well, in your article you put four, is that correct?

A. It might have been three and it might have been four.

Q. Was it true that his voice rose to a hysterical scream? A. That might be a slight exaggeration. I don't like the word "hysterical" there. I would rather withdraw it.

Q. That is in your article, isn't it? A. I would [1543] rather withdraw it now.

Q. It is in your article, isn't it (indicating)?

A. Of course it is in my article, but now I would have preferred not to have used the word "hysterical" but simply to have said that he sounded desperate.

MR. MURPHY: Will you mark what you showed the witness?

MR. CROSS: Will you mark this for identification.

THE COURT: What is that, Mr. Cross?

MR. CROSS: That would be GGG.

THE COURT: I mean, is that an article from the Post?

MR. CROSS: From the Post of July 18th.

(Marked Defendant's Exhibit GGG. for identification.)

Q. Even though you wrote the articles, edited them, saw them when they came out in the paper and were paid for those articles, you now say that you want to withdraw the statement that you made that his voice rose to a hysterical scream? A. No, I certainly don't want to withdraw that statement at all. The statement is substantially accurate. I just don't like the word "hysterical". I wish I had used a somewhat milder word.

Q. Did he say to you, "Do you want me to starve?"? A. Yes.

Q. Did he ask you to meet him in Jackson Place [1544] immediately? A. He did.

Q. Where is Jackson Place in Washington?

A. It is in front of the White House and it is diagonally across an intersection from the State Department.

Q. A very public place, isn't it? A. Certainly.

Q. Right in front of the White House? A. Certainly.

Q. And you went out immediately and met him there?

A. I did.

Q. And what did he say? A. The main part of what he said was that he was desperate for lack of money and he wanted a loan.

Q. At the time he asked you to meet him in Jackson Place did you think "Of all places to suggest. Is the man completely crazy"?

MR. MURPHY: I object to that. It seems to me we are not really concerned with this man's mental operation back in 1939.

MR. CROSS: We may be.

MR. MURPHY: If you press the point, I will withdraw it, Mr. Cross.

Q. Did you at that time think "Jackson Place? Was the man completely crazy?"? A. I thought something very much like it. I think that just about expresses the way I felt.

Q. And did you think "That was a mere stone's throw [1545] from the State Department. Appointments with my underground contacts had never been anywhere in the neighborhood of the Department"? A. That sounds a little mixed up, Mr. Cross. I think you are not watching your punctuation there, are you?

Q. You read it, sir. You read it, sir, the way they do in Oxford. Would you read that sentence?

A. I am trying to find it. Oh yes, here it is. "Jackson Place. Was the man completely crazy? Why, that was a mere stone's throw from the State Department. Appointments with my underground contacts had never been anywhere in the neighborhood of the Department."

Q. Did you try to think quickly as to what you would do? A. I guess I tried to but, anyway, I went and I met him there. I didn't really give myself much time for thought.

Q. Well, at the time did you think, "Well, if I go there to meet him will I find myself flanked on either side by an FBI agent"? A. Yes. As I recall it, the picture that crossed across my mind then was of seeing Chambers flanked on either side by an FBI agent, all three of them greeting me with a smile.

Q. That is, you thought if you went there you might find yourself flanked on either side by an FBI agent, both agents grinning with pleasure at having caught their [1546] quarry with such ease? A. Something to that effect.

Q. And then you decided that you would go and meet him? A. I decided to take the risk and to go and meet him.

Q. When you got there was he alone? A. He was.

Q. What did he say to you? A. I have already answered that question. He said he was desperate for lack of money and asked me for a loan.

Q. Did he say how much? A. He said $10.

Q. What did you do? A. I opened my wallet and there I had a $20 bill and a $1 bill, and I gave him the twenty.

Q. And then you walked away, did you?

A. Well, it may not have been immediately after the loan, but it was very shortly thereafter. The meeting was quite brief, as I recall it.

Q. Did you wish him good luck and then return to the State Department? A. I am not sure whether I wished him good luck or not, come to think of it.

Q. As you walked back did you mutter through your clenched teeth, "I hope I never, never see that man again"?

A. Well, if I didn't mutter it I certainly thought it and felt that way.

Q. Did he ever pay you the $20 back? A. No.

Q. When first did the FBI interview you?

A. December 6, 1948.

Q. That is, during the entire time that you were with [1547] the Government you were never interviewed by any FBI, and it was about over two years after you left the

Government service that an FBI first saw you, is that right?

A. That is correct.

Q. Did anyone other than an FBI in an official position in the employ of the United States Government at any time from January 1, 1935, up until December 1948 ever interrogate you about taking papers and turning them over to Chambers or to Carpenter? A. No, they did not.

Q. During that period you were on pins and needles, weren't you? A. Oh, all those ten years? No. That would be an exaggeration.

Q. Well, you were constantly worried for fear that it might break? A. No, I wasn't constantly worried.

Q. Were you ever worried for fear that they would catch up with you? A. Sometimes.

Q. How frequently? A. I really don't know. I worried some about it in the early part of that 10-year period, but as the years went by and nothing happened I pretty much stopped worrying about it.

Q. You then became somewhat lulled into a sense of security? A. I guess I did.

Q. And then the House Committee hearings started with Whittaker Chambers talking on August 3, 1948?

A. Yes.

[1548] Q. And the newspapers spread over with the account of that investigation? A. Yes.

Q. Then you sat up and took notice, didn't you? A. Yes.

Q. And you saw the name of Alger Hiss mentioned? A. Yes.

Q. And you looked down to see if Henry Julian Wadleigh's name was mentioned, didn't you? A. I did.

Q. And when you saw Alger Hiss's name you said, "What, of all people on earth, Alger Hiss"? A. I did.

Q. Your contacts with— A. I don't think the "on earth" belongs to the article. I think you have added two words to what I wrote, Mr. Cross.

Q. Well, if my memory is bad—I do not have it in front of me—I can't remember verbatim the 12 articles.

A. There are a few occasions on which I also cannot remember them verbatim.

Q. Well, at any rate you were greatly surprised that of all people— A. I was.

Q. —Chambers mentioning Alger Hiss? A. I was.

Q. And that was in August 1948? A. That is correct.

Q. Your contacts, when you were asked on direct examination about going to see Mr. Hiss, or seeing Mr. Hiss were always official, were they not? A. They were.

Q. Now, when were you first called before any inquisitorial body? A. December 6, 1948.

Q. And what was— A. That is, if you include the [1549] FBI as an inquisitorial body. I don't know whether that would come under your definition or not.

Q. I will ask you if you saw the FBI first?

A. I saw the FBI for the first time—that is, I was interrogated by the FBI for the first time on December 6th.

Q. Where? A. At the office where I worked at that time.

Q. For how long a period? A. Well, they must have been there for at least half an hour, probably a little more than that.

Q. When did you next see— A. Probably more than that. And then we went to their office, went to the Department of Justice in a cab, and I was with them there for quite a considerable time longer.

Q. A matter of hours, would it be? A. Well, it might have been an hour or an hour and a half.

Q. When next did you see them, the FBI?

A. In New York on December 8th—

Q. And when next? A. Yes, that is correct, in New York on December 8. Then again on December 9 in the evening I had a talk with an FBI official; then I went back to New York, was back in New York on the 10th; I was in New York the rest of that week and the whole of the next week and two days of the week following that. And during that period I was in very frequent contact with the FBI.

[1550] Q. And since then tell us your contacts with the FBI.

A. Since then I have had several contacts. Every once in a while the FBI has called me, and I think maybe three or four times.

Q. When is the last time you had contacts with the FBI? A. I think it was some time in July or August.

Q. After you testified at the other trial? A. Yes.

Q. Where was that? A. In Washington.

Q. Did you employ a lawyer when this testimony of Chambers in the House Committee broke in August?

A. No.

Q. Shortly thereafter did you employ a lawyer?

A. I did not employ a lawyer until after my first FBI interrogation.

Q. And that you have given us as December 6th?

A. That is correct.

Q. Was that a Washington lawyer? A. It was.

Q. And you had many talks with him? A. I did—wait a minute. Many talks? I only had two talks with him except for a brief phone conversation.

Q. You were told that for espionage, following the espionage law the statute of limitations was three years, weren't you, by that lawyer that you first employed?

A. I was.

Q. And you knew that back in 1936, 1937 and 1938 you [1551] could admit all the espionage in the world and they could not touch you, according to your lawyer's advice, didn't you? A. No, he wasn't quite as unqualified as that.

Q. He told you there was a little loophole there, didn't he? A. He made some statement to that effect.

Q. Tell us what he said the loophole was.

A. That is a privileged conversation, Mr. Cross.

Q. You don't want to waive it? The client can always waive it, you know. A. Well, let me think about that a second. I don't see why I should not waive it.

THE COURT: You have a right not to waive it. I just want to advise you of your constitutional rights, but you may waive it if you are the one to decide.

MR. CROSS: If your Honor please, if he has publicly testified to conversations that he had with his lawyer on that particular occasion, that, as a matter of law, as I understand it constitutes a waiver.

THE COURT: I think you are right. If he has previously disclosed it it is no longer a secret, of course. But—

BY MR. CROSS:

Q. Now, before the House Committee on December 9—

THE COURT: Wait just a minute. I want him to know what his rights are. You have that right unless you have disclosed it in public before.

THE WITNESS: Your Honor, may I—

THE COURT: Now, I can't serve as your counsel but I can tell you of that right. Now you think it over and do just as you see fit.

MR. CROSS: May we have a recess and give him that opportunity to think it over?

THE WITNESS: I know what my answer is going to be. May I give it?

Q. Well, first let me ask you if you did not testify before the House Committee, the sub-committee, on December 9, 1948? A. Yes, I did.

Q. And at that time you told them what the advice of your lawyer had been, didn't you? A. No, not specifically, just in a general way. In a general way I said that according to my lawyer there was a loophole.

Q. And you then told that sub-committee what your lawyer said the loophole was, didn't you? A. I did not.

Q. You did not? A. No, I did not.

THE COURT: Well, let us find out. Do you wish to—

THE WITNESS: I have no objection now to telling, I am quite willing to waive it. I prefer to waive it because I don't want anybody to think that I am trying to conceal

something. I do feel a little bit puzzled that the question should be asked me but I will be glad to answer it.

[1553] Q. Well, will you? A. Yes, I will.

Q. Go ahead. What did he say the loophole was?

A. He said that if it could ever be proved that I was —that I was working together with somebody who continued to operate along those lines, espionage, after the cut off date—and I am probably not using the right technical language—in that event I could be indicted and the burden of proof would rest upon me to show that I did not continue. At least, that, as I remember it, is what he said.

Q. Now, did you on December 9, 1948, make these statements, and were these questions asked you—

MR. MURPHY: Page?

MR. CROSS: Page 1436.

Q. —"Mr. Wadleigh. In answer to that question, I would like to point out that in consultation with attorneys whom I hurriedly consulted when I received a subpoena to appear before the grand jury, I was informed that this matter of the statute of limitations is not ironclad; that there may be loopholes, and they did not have time to investigate it, but they felt that it could not be relied upon.

"Mr. Nixon. The loophole they were referring to, Mr. Wadleigh, was the one that I just gave to you; and that is that the conspiracy—

[1554] "Mr. Wadleigh. No, sir. It is not.

"Mr. Nixon: Just a moment; that is, that the conspiracy continued beyond 1938. Now, if the conspiracy did not continue beyond 1938, I think in all fairness to yourself you should so indicate to the Committee.

"Mr. Wadleigh. It was not my understanding that that was the loophole.

"Mr. Nixon. Well, can we gather, then, from your testimony that there is a possibility, as far as you were concerned, you had no part in such a conspiracy after 1938?

"Mr. Wadleigh. If I were to answer that question in the affirmative, I would be implying that I did take part in the conspiracy prior to 1938. I am making no such admission.

"Mr. Nixon. Well, did you take part in such a conspiracy prior to 1938?

"Mr. Wadleigh. I refuse to answer that question on the ground that the answer might incriminate me.

"Mr. Mundt. Just what kind of admission do you think that is going to be considered by the American public?"

And then going on to this matter of the statute of limitations:

"Mr. Nixon. Mr. Russell, will you kindly [1555] show the witness this document.

"(Handing document to the witness.)

"Mr. Wadleigh, if you will examine that document which is handwritten, would you indicate to the committee whether or not that is in your handwriting?

"Mr. Wadleigh. May I ask first what is the date of the document?

"Mr. Rankin. That has nothing to do with it.

"Mr. Mundt. Answer the question first, then you may ask an additional question."

Then on page 1437 you said:

"Well, I would like to make this statement: That since I have been led to depart from my previous contention, on advice of counsel, on refusing to answer questions of this nature, I wish now to say that I have not seen that document."

Then there is further discussion about the statute of limitations and your talk with counsel.

Do you recall that?

MR. MURPHY: Your Honor, I submit now that now that Mr. Cross has read it, that we have not yet found anything inconsistent with what the witness says. I do not quite understand the purpose of reading it.

THE COURT: What is the purpose? Was that a question, Mr. Cross?

[1556] MR. CROSS: I will have the part specifically marked where I think he said just exactly what he said here, and I just want to call his attention to the fact that he had said in substance exactly the same thing that he

said he is waiving his privilege here as saying for the first time. He said it for the first time in 1948. That is the only purpose.

THE COURT: I am not quite clear.

Mr. Wadleigh, do you wish to claim your privilege? I understood you to say that you did not, that you wanted to tell it all.

THE WITNESS: I do, and I—

THE COURT: That is clear. You understand what I am saying?

THE WITNESS: I do, your Honor. And—

THE COURT: That is all. You better wait for the question.

BY MR. CROSS:

Q. Now, when you appeared before the House Committee you did claim privilege and refused to answer certain questions on the ground that they might incriminate you, did you not?

MR. MURPHY: Let us have that clear, your Honor. That is a different privilege we are talking about. I don't know whether the witness understands that.

[1557] THE WITNESS: I do understand it, yes.

Q. You understand that when you claimed your privilege before the House Committee it was on the ground that the question might incriminate you; that is true, isn't it?

A. That was the technical ground, Mr. Cross.

Q. And you were asked about these documents that you were shown this morning before the House Committee? A. I was.

Q. And when you were asked whether you gave those to Chambers you claimed your privilege on the ground that the answer might incriminate you, didn't you?

A. That was the ground that I gave.

Q. And then you appeared before the grand jury? A. I did.

Q. On what day? A. After the House Committee my appearance before the grand jury—my first appearance before the grand jury after the House Committee hearing was on the 11th, I believe.

Q. Of December? A. Yes.

THE COURT: Mr. Cross, I think it is pretty warm in the room. We might take a recess.

(Short recess.)

MR. MURPHY: Your Honor, with Mr. Cross's permission I want to ask Mr. Toner to substitute an exhibit. It is the Exhibit 17 which was one of [1558] the Murphy reports, and it contains now the paragraph that I read to the jury at your Honor's suggestion.

(Document referred to substituted and marked Government's Exhibit 17.)

BY MR. CROSS:

Q. Mr. Wadleigh, going back to the time just prior to when you left for Turkey on March 11, 1938, I omitted asking you a question that I had intended to ask: Will you tell me again what you testified to on direct about your seeking out Chambers and Carpenter a few days before you left to tell them that you were going?

A. There were certain intervals during which Carpenter and Chambers did not meet me for a few weeks at a time. When I was notified that I was going to be sent on this trip to Turkey, that notation happened to come to me during one of those intervals; and so when the time came near that I was to go to Turkey, I wanted to notify them, but still I had received no call from either one of them. So I got in touch with Carpenter and met him briefly, not a lunch meeting but just a very brief meeting, and I told him I was going to Turkey.

Q. How did you get in touch with Carpenter?

A. I called the person who is referred to in my articles as Jane B.

[1559] Q. Well, what was her name? A. You insist on knowing that?

Q. Well, I want to know what your method of communication with these people was. A. Well, if I had to get in touch with them on my own initiative I would call this woman and she would relay a message to Harold and he would call me back shortly after that.

Q. And you mentioned her name this morning, didn't you? A. Oh yes, I did. I thought I had not mentioned it.

Q. Well, on direct you mentioned the name that I just asked you about? A. Yes, I believe that is correct.

Q. Who was it? A. Eleanor Nelson.

Q. Who? A. Eleanor Nelson.

Q. And you mentioned that in answer to a question of Mr. Murphy? A. I believe so, yes.

Q. How did you get in touch with Chambers?

A. I had no way of calling him except through that same channel. I did not see Chambers on that occasion, if that is what you have in mind.

Q. Well, when you saw Carpenter you told him that you had gotten your orders to go to Turkey?

A. I did.

Q. And gave him the approximate date of your sailing?

A. I did. But I did not see Chambers.

Q. In your testimony at the first trial did you [1560] testify that prior to your leaving for Turkey that you were instructed by Chambers and Carpenter, you forgot which, not to deliver any document for the time being (page 1348)? A. Yes, that was the instruction that I got which created this interval, this interval of suspended operations to which I have just referred. In other words, the interval of suspended operations was in effect at the time when I was notified that I would be sent to Turkey. And for that reason I had no means of getting in touch with them except by making this telephone call, which I did.

[1561] Q. And that was on your own initiative? A. It was.

Q. You wanted them to know you were no longer going to be in the State Department? A. For the time being.

Q. And that they could not look to you to be delivering papers out of the State Department during that time?

A. Well, I simply wanted to notify them where I was going.

Q. By the way, when I asked you about the statement about Alger Hiss and you said there was something more and I did not remember it, was the part you thought I had overlooked the statement that you regarded Hiss as a very moderate New Dealer with strongly conservative instincts?

A. I did not say that you overlooked anything, Mr. Cross. I said you added two words to what was in my article.

Q. This is the article of July 20, 1949, and that statement that I was reading, you did include in your article?

A. I did.

Q. When you first heard about this Chambers allegation—

A. Well, I mean that had been my general impression about Hiss for a long time.

Q. When you first went before the grand jury you were asked about some of these documents here, weren't you?

A. Not in my first session with the grand jury, but in a later session as I recall it. They did question me about the documents.

[1562] Q. I beg your pardon? A. So far as I can recall they did question me on the documents.

Q. On the first meeting? A. You mean my first meeting?

Q. The first appearance on December 9th or 11th.

A. I don't recall that any question about these documents was asked at that first—at my first appearance before the grand jury.

Q. But you were asked about your connection with Chambers?

A. In substance I think I was, yes.

Q. And whatever questions you were asked before the grand jury you refused to answer on the ground that

the answers might incriminate you, didn't you? A. I did that on my first appearance.

Q. I am now limiting it to the first appearance before the grand jury. A. Then the answer is "Yes."

Q. You appeared before the House Committee on December 9, 1948, and you claimed that the answers to questions asked you, certain questions asked you specifically about documents, would incriminate you or might incriminate you? A. There is a big difference between "would" and "might."

Q. I said "might." I corrected it. A. Yes, I gave that as the technical ground on which I refused to answer the questions of the House Committee.

Q. And then on December 11th you refused to answer on the ground that the answer might incriminate you?

[1563] A. No. Not on December 11th.

Q. Before the grand jury? A. On December 11th before the grand jury I waived that privilege and I answered all questions.

Q. When was it you first appeared before the grand jury?

A. On the 8th.

Q. I am sorry. Then on December 8th you did claim that privilege? A. I did.

Q. Do you remember an attorney for the Department of Justice there in the juryroom, Mr. Whearty? A. I do.

Q. Did Mr. Whearty follow you through the door of the grand juryroom as you went out? A. He did.

Q. Did he say to you: "We are not in the juryroom now and we can talk more freely. You see your lawyer after you made that statement. I thought so. Later if you and your lawyer and I could get together I am sure we could straighten this out and you would have no reason to regret it. Why don't you go back to Washington tonight, talk to your lawyer tomorrow and ask him to come here if he has any doubts."

MR. MURPHY: May I ask whether that is a quote from the newspaper article, an exact quote?

MR. CROSS: An exact quote from July 21, 1949.

A. That is pretty close to what he said as far as I can remember. I don't remember the exact words, but that [1564] reproduces the sense of what he said as near as I can remember it.

Q. I will show you the article of July 21— A. No, you read it correctly. I remember what I wrote.

Q. I want to ask you to look at it and tell me if those words are not quoted in your article: "We are not in the juryroom now and we can talk more freely. You see your lawyer after you made that statement. I thought so. Later if you and your lawyer and I could get together I am sure we could straighten this out and you would have no reason to regret it. Why don't you go back to Washington tonight, talk to your lawyer tomorrow and ask him to come here if he has any doubts." Is that quoted?

A. You read correctly from the article, and what I wrote there is, as I said, as close as I can remember to what Mr. Whearty actually did say to me. I am not guaranteeing that it is accurate word for word.

Q. That is the substance of it? A. The substance, yes.

Q. Then you went back to Washington and you saw another member of the Department of Justice, didn't you? A. Not until later. I went back to Washington and I saw my lawyer again for the second and last time and then I had a session with the House Committee.

Q. And then you saw Mr. Alex Campbell, the Assistant Attorney General? A. I did.

[1565] Q. And you went to his office to see him?

A. I did.

Q. After this talk that Mr. Whearty had had with you?

A. No. There was a lot that happened in between.

Q. Well, in point of time that followed, didn't it?

A. In point of time it followed, but there was no connection between the two, no special connection.

Q. Well, you changed lawyers, didn't you? A. When I went to see Campbell I had no lawyer at all.

Q. Did you change lawyers and employ a New York lawyer?

A. I did subsequent to my talk with Mr. Campbell.

Q. And you employed New York counsel before you answered questions before the grand jury, didn't you? A. I did.

Q. The lawyer you had when you went before the grand jury and claimed privilege was a Washington lawyer?

A. He was.

Q. And you saw him when you went back after this talk with Whearty for the last time? A. I did.

Q. Then you discharged him and came to New York and employed another counsel and then you went before the grand jury and answered the questions? A. "Discharged" is not right there.

Q. I beg your pardon? A. All of that is correct except the word "discharged."

Q. At least you did not consider him representing you [1566] professionally after the second meeting, did you?

A. He told me that he was no longer willing to represent me. That was the way it developed.

Q. Well, he was no longer your counsel when you employed the one in New York? A. Obviously not.

Q. And then after the employment of the New York lawyer—how soon after that was it you appeared again and waived your privilege before the grand jury? A. Two days after. In other words, I talked to—well, yes—I parted company with the Washington lawyer on the 9th. I talked to the grand jury for the second time and answered all questions on the 11th.

Q. And when did you see your new New York counsel for the first time? A. On the 10th.

MR. CROSS: Now may I have the State documents, the underlying documents of Baltimore and I would like the A's rather than the letters.

MR. MURPHY: I don't quite understand your request.

MR. CROSS: All of them, 5 through 47.

Q. While they are getting those together, Mr. Wadleigh, on December 9th, when you appeared before the subcommittee of the House Committee, was this read to you and were these questions asked you and did you give these answers:

"Mr. Nixon. I shall read from the record [1567] of a meeting of a sub-committee of this committee, which heard Mr. Chambers on Monday of this week in New York City, consisting of Mr. McDowell as chairman and myself as a member. The question was by Mr. Nixon (reading):

"Mr. Chambers, I hand you herewith photographic copies of documents made from the microfilm which you submitted to the committee in response to a subpoena the committee served upon you.

"Mr. Chambers. Yes, sir.

and then in parentheses:

"(Mr. Chambers examined the document.)

"The documents you are now examining are all documents from the State Department, they bear the stamp 'State Department, Assistant Secretary of State.'

"Mr. Chambers. Yes. I should think from the nature of these documents which I have examined they were turned over to me by Alger Hiss, and I should make the point right here, perhaps, that the same procedure that I have described above in the case of other photographers was also followed by Alger Hiss, in addition to the typed documents. There was, however, another active source in the State Department, Mr. Julian Wadleigh, who was in the Trade Agreements Division of the State Department and it is possible [1568] some of these documents were from him.

"Mr. Nixon. Was this a source of contact?

"Mr. Chambers. Yes.

"Additional testimony in regard to Mr. Wadleigh:

"Mr. Stripling. In addition to the individuals I have named, what individuals in the Government did turn over documents to you?

"Mr. Chambers. Julian Wadleigh.

and further on in the testimony:

"Mr. Stripling. When you spoke to Adolph Berle, did you mention Julian Wadleigh?

"Mr. Chambers. Yes.

"Now, Mr. Wadleigh, as you can of course appreciate the testimony which Mr. Chambers has given involves quite serious charges. The document which Mr. Russell showed to you and requested you to identify was one of the documents which was found to be on microfilm which Mr. Chambers had in his possession. The microfilm was an original copy of the documents which were taken from State Department files in an unauthorized manner, and turned over to Mr. Chambers.

"Now, in view of that, and in view of your apparent desire to cooperate with the investigative agencies of the Government in unravelling this case, I wonder if you would now again look at the document [1569] which Mr. Russell presented to you (handing document to witness).

"Mr. Wadleigh. I look at this document again at the committee's request. I am not prepared to change my testimony. I might suggest, however, that you inquire of the State Department as to whether this particular document was shown to me. I don't know whether they will be able to answer that question or not, but you might care to ask them, whether I had access to this document."

Were those statements read to you and were those questions asked you and did you give those answers?

A. So far as the statements read to me and the questions are concerned, I am not prepared to guarantee anything in that regard for this reason: that I have read that official record of the House Committee hearing and I have found certain questions asked me by members of that Committee as stated in the record do not check wtih my own recollection. It is possible that I may have misunderstood the questions at the time. It is possible that my recollection might be wrong, but I also think that it may be that the questions were edited, which I understand is a privilege of members of Congress in editing the record. So I am not prepared to substantiate with my own recollection in full detail the material that you read out, Mr. Cross. I do

[1570] remember in a general way that the Committee questioned me with the statement made by Mr. Chambers and that I was one of the sources of documents. I do remember that they brought that to my attention. And as to my answers I have read through that record and I do not find that my answers are in any way different from my own recollection, so I have no objection to confirming that, so far as the answers are concerned.

Q. Now I will ask you specifically was this read to you on December 9, 1948 by Mr. Nixon:

"The documents you are now examining are all documents from the State Department, they bear the stamp 'State Department, Assistant Secretary of State.'

"Mr. Chambers. Yes. I should think from the nature of these documents which I have examined they were turned over to me by Alger Hiss, and I should make the point right here, perhaps, that the same procedure that I have described above in the case of other photographers was also followed by Alger Hiss, in addition to the typed documents. There was, however, another active source in the State Department, Mr. Julian Wadleigh, who was in the Trade Agreements Division of the State Department and it is possible some of these documents were from him."

[1571] Was that statement read to you?

A. Something like it was read to me. Whether that exact statement was read to me I really cannot remember.

Q. You understood that Chambers had, on Monday, December 6th, said in substance to that sub-committee that some of the documents shown him might have come from you?

A. I understood that he had made some statement to that effect.

Q. I show you what has been marked serially 49 through 58, which are Baltimore Exhibits 54 and 55. The exhibits are Baltimore 54 and 55 but they are serially numbered beginning with 49 and running through 58. Now, those were the documents that were shown you by the sub-committee on December 9, 1948, when this statement, or a statement similar to this, was read to you by Mr. Nixon, were they not?

A. I have no idea whether they showed me these documents or not.

Q. Well, you examined the documents, didn't you?

A. I examined the documents that they showed me at that Committee hearing just sufficiently to verify that they were State Department documents and without reading them I replied I refused to answer the question on the ground that the answer might incriminate me. I did so because I disapproved of the House Committee and all its works. I had no intention of cooperating with them in any respect and I [1572] refused to answer whatever question I felt I had a right to refuse to answer.

MR. CROSS: Now will you read the question and will you please answer it?

THE WITNESS: I have answered it.

Q. (Read.) A. I did not. I examined them just sufficiently to see that they were State Department documents and I did not read the contents of the documents.

Q. You noticed that Mr. Nixon described these documents as bearing the stamp "State Department, Assistant Secretary of State," did you not? A. I do not recall that. All I recall is that they showed me some documents. They were State Department documents, and my only thought was, "This is a question I can refuse to answer," and I therefore refused to answer it, and that is all I know.

Q. And those were the very documents that Chambers had said it is possible that some of those documents were received from you?

MR. MURPHY: How could this witness know that unless he has personal knowledge?

A. Well, I did not know it, sir. I really did not know what documents Chambers referred to when he said that some of them might have come from me.

Q. Well, they were a part of the enlargements of the microfilms, weren't they? A. These here?

[1573] Q. Yes. A. I understand they are.

Q. And of the microfilms those two are the only ones that bear that stamp; that has been stipulated? A. Oh, has it? I really do not know whether Chambers was referring to these documents. As a matter of fact, I have seen the Assistant Secretary's stamp on documents other than these. If I remember correctly, Mr. Cross, some of these German trade agreement documents have the Assistant Secretary's stamp. Maybe I am wrong and that these two are not the only ones that have the Assistant Secretary's stamp, and I may be wrong.

MR. CROSS: I won't make any comment because they are in, Mr. Wadleigh, and the jury—

MR. MURPHY: I don't think you are entitled to make a comment. You are only entitled to ask questions.

MR. CROSS: That is why I am not saying anything after the comment I think the witness should not have made.

THE COURT: It is 4:30. We will adjourn until tomorrow morning at 10:30.

(Adjourned to December 9, 1949, at 10:30 a. m.)

[1574b] New York, December 9, 1949; 10:30 o'clock a. m.

Trial resumed.

HENRY JULIAN WADLEIGH, resumed.

Cross Examination Continued by Mr. Cross:

Q. Mr. Wadleigh, when did you last deliver papers in 1938 to Chambers? A. Probably around—well, sometime in the early part of the year, I don't know the exact date; it might have been in February.

Q. How many deliveries of papers did you make to Chambers in 1938? A. I don't know.

Q. Do you remember what you did deliver to him in 1938?

A. I am not even sure that I made any deliveries in 1938. So far as I have been able to recall I made a few deliveries to him in that winter, 1937-1938.

Q. Now, I am asking you what were the last papers you delivered to Mr. Chambers? A. I don't know.

Q. Do you recall any of the papers, a single one of the papers that you delivered to him during the winter of 1937-1938? A. No.

Q. Do you remember the last papers you delivered to Carpenter? A. No.

Q. Do you remember what they were? A. No.

[1575] Q. Do you remember the last papers you delivered to Carpenter? A. No.

Q. Do you remember what they were? A. No.

Q. Was Mr. Jones whom you said you knew in the Far Eastern Division an economist? A. Yes.

Q. You and he exchanged memoranda or information on subjects that you both had a common interest in, didn't you? A. I didn't have very much contact with him.

Q. I see. Now will you please answer the question?

MR. CROSS: Will you read the question.

Q. (Read.) A. I don't remember any exchange of memoranda with Jones. We did talk from time to time. I don't remember any specific conversations as of that period.

Q. Just to clear up one point: In describing on direct Sasha, I think you said you did not remember what the color of his hair was? A. No—well, I did say that—I mean, no, I don't remember the color of his hair.

Q. At the time you wrote your series of articles did you recall? A. I don't remember whether I said anything in the articles about the color of his hair or not.

Q. You don't recall that you said it was red? A. I don't recall that now.

Q. Well, was it red? A. I don't remember.

Q. Mr. Wadleigh, I show you Baltimore Exhibits 5 through 47, which you went over one by one yesterday. Do you recall?

[1576] A. I do recall.

Q. And at that time you said that you had never discussed with Mr. Murphy any documents, did you not?

A. Well—

Q. Let me read you the questions and answers, maybe they will help. From page 1460 of the direct:

"Q. When was the last time we went over the typewritten documents together? A. Oh, we never did go over these typewritten documents, no."

And you had those typewritten documents in front of you.

"Q. Never did? A. Never did. In fact, with you, Mr. Murphy, I am sure we did not discuss any of the documents. The only discussion was with the FBI and that did not include the typewritten documents.

"Q. Was this the first time that you have examined the typewritten documents since last December or since the last trial, rather? A. That is the first time, so far as I can recollect, just now, that I have looked at these typewritten documents.

"Q. I think at the last trial you were just asked generally whether you handed over typed documents? A. I believe so. I do not have any recollection of having gone over these documents one by one as I did just now."

[1577] Do you recall those questions and answers?

A. I do.

Q. And those are true? A. Of course.

Q. So that when you were asked at the first trial whether you turned over Baltimore Exhibits 5 through 47, you were just shown the batch of papers and you did not look at them or examine them and you had not looked at them or examined them before you gave your answer, is that true?

A. Now, what answer did I give? I don't recall that particular answer that you refer to, Mr. Cross.

Q. At the first trial were you asked when you were shown that batch of papers, and without looking at them, "Did you ever give those to Chambers or Wadleigh?" And you answered, "Not to the best of my recollection; it is possible that I might have"—

THE COURT: Mr. Cross, did you mean Wadleigh?

MR. CROSS: May I have that question read?

(Question read.)

MR. CROSS: Chambers or Carpenter I meant.

A. I have no recollection that I was shown this particular batch of documents at the first trial.

[1578] Q. Well, is it your testimony then that for the first time you were asked at this trial whether—

A. So far as my recollection goes, I did not see these papers before this trial.

Q. It is your recollection that when you were summoned this time you were asked for the first time whether or not you turned over those papers or the originals of the papers that those are summaries of or excerpts to either Chambers or Carpenter? A. So far as my recollection goes, that is true, with regard to these particular documents which I have here.

Q. And the particular documents that I have placed before you begin with Baltimore No. 5 and end with Baltimore 47, do they not? A. Well, here is No. 5.

Q. The last one is— A. Is 47.

Q. And the Government handed me those and we can assume I think that they are all there. You went over yesterday one by one and that was the first time that you ever saw those typewritten papers?

A. I don't have any recollection of having seen them before.

Q. Now I will show you Government Exhibits State 5, 6, 7 and 8—now I will show you those State Exhibits 5 through 8 and I will ask you to look at them. Oh, I am sorry. I missed. Here is 5, which should be put [1579] on top of the pile.

Mr. Wadleigh, I think you will find that the top document or page, and if it is more than one page the top document is a copy of the Baltimore exhibit of the same number and underneath is the State exhibit of the same number which we have referred to as the underlying State Department document.

A. I am afraid I didn't quite follow that. Would you mind repeating it?

Q. Will you look at the State documents, Exhibits 5 through 8, the underlying State documents that come out

of the State Department, or the original which came out of the State Department, and these being photostatic copies, and tell me whether you have seen those documents before or the original or copies of them. Be sure you look at the underneath or State document, not the Baltimore document.

A. I seem to have a recollection that I did see a report on economic developments in Manchukuo at some time when I was in the State Department; whether it was this particular one or some other I would not be able to say now.

Q. And the document that you are now looking at is State Exhibit 8, is it not? A. Well, this one here (indicating) is marked—

[1580] Q. On the back, I think if you will look on the back of— A. Oh, this one (indicating). Yes, that is correct.

Q. State Exhibit 8. Now, State Exhibits 5, 6 and 7 are accompanying papers, are they not—letter of transmittal and other papers that went along with that Exhibit 8?

A. Yes.

Q. So that if you saw State Exhibit 8 you would think that you also saw State Exhibit 5, 6 and 7?

A. Quite likely.

Q. Mr. Wadleigh, during the period that you were taking these papers from the State Department and turning them over to Chambers and Wadleigh—

A. Chambers and Carpenter you mean.

Q. Chambers and Carpenter—did you take all the papers that you thought would be of interest to them provided you could get them out without being caught?

A. Yes.

[1581] Q. Now I will take those, because I am going to hand you some more. I am going to hand you the distribution copies of State Exhibits 9-A through 47-A and I will ask you to look at each one of those documents.

A. Do you want these others back (handing)?

Q. I will take them away for the moment so you can have a little more room. If it won't interrupt too much,

Mr. Wadleigh, may I ask whether for the first time this morning you saw State Exhibits 5 through 8 that I have just shown you and that you gave back to me but not those you have in front of you, but those that relate to the Manchukuo economic situation?

A. Oh yes. I think I saw them before.

Q. When? Yesterday? A. No, I think I have seen them on one of the previous occasions when they were shown to me either by the FBI or at the first trial.

Q. Are you seeing for the first time the underlying State documents from 9-A, as you go on, and perhaps you might tell me first as to 9-A?

A. 9-A I have seen before. It may have been at the first trial. It may have been on one of the occasions when I went to the FBI.

Q. Do you remember who showed it to you?

A. I think Mr. Murphy showed it to me at the first trial but it may be my recollection goes back to the time [1582] when Mr. Spencer of the FBI showed me a whole stack of documents last December.

Q. Did you go through them? A. I did.

Q. And you think those were underlying State documents?

A. No. They were microfilm photographs.

Q. These are not microfilms.

MR. MURPHY: Yes, they are. These are microfilms.

MR. CROSS: Oh no. These are Baltimore 9 through 47.

MR. MURPHY: Mr. Cross, these have been produced from a microfilm that the State Department has kept over all these years.

MR. CROSS: I am using "microfilm" in the sense of the pumpkin papers, 50 through 55.

MR. MURPHY: I am sorry.

A. This one is familiar to me or seems to be.

Q. You think you have seen that before?

A. I seem to have seen either that or something very similar to it.

Q. And in the State Department? A. No, not when I was in the State Department, but recently.

Q. And that was what number? A. This is 9-A. I don't remember this one (indicating).

Q. Now you are referring to State Exhibit 10-A?

[1583] A. This is 9-B. 9-C I don't recall.

Q. Now 9-A, B and C are all cables from Bullitt, aren't they? A. Yes.

Q. And you remember one Bullitt cablegram when he was in Moscow that you passed on to Chambers, do you not?

A. Yes, I do.

Q. Now 10? A. This is 11-A. We jump from 9-C to 11-A here.

MR. CROSS: Do you have 10 or 10-A?

MR. MURPHY: Yes (handing).

Q. I show you 10. A. I don't recall this one specifically. It is just conceivable that it might be among the rather numerous documents on military developments in China that were shown me last December by Mr. Spencer of the FBI but I don't recall this one specifically.

Q. Well, next. If you will just indicate which you saw.

A. That was State Department No. 10. Do you want me to look at 11-A?

Q. 11-A, yes.

MR. MURPHY: Mr. Wadleigh, are you telling us whether you saw these documents in the State Department or since the State Department?

THE WITNESS: Since the State Department. I am referring to my talk with Mr. Spencer last December.

Q. Give each. Give the instances you saw the [1584] documents in the State Department and also when shown to you by the FBI. A. Among the things that I have here the ones that I have already commented on I did not see when I was in the State Department.

Q. By that you refer to 9-A, B and C and 10?

A. That is correct.

11-A again is one of those—it deals with military developments in China, and it could have been one of the documents that Mr. Spencer showed me last December, but I don't recall this one specifically.

Q. Did you see a copy in the State Department?

A. No, I did not see that in the State Department.

Q. Now, 11 has a number of underlying documents, has it not? A. Well, here is one, telegram from Harrison at Berne, Switzerland, about Japan putting out feelers regarding possibility of obtaining a large loan in Switzerland. I might have seen that. It is conceivable.

Q. What is the number on the back?

A. I might have seen that in the State Department. That is one of the telegrams included under 11-A.

Q. 11-A what? Has it got a number?

A. Well, it is the second—wait a minute—

Q. Give us the telegram number. A. There is no telegram number here—oh yes there is, 7, I beg your pardon.

[1585] Q. And from whom to whom? A. From Harrison to Secretary of State.

Q. Dated? A. January 28.

Q. And sent from what place? A. Berne, Switzerland, 1938.

Q. Next. A. The next one is a telegram from Milan, Italy, signed Sholes, to Secretary of State; has no number; it is undated, but the date on which it was received is January 29, 1938. "86 Italian aircraft and 50 Italian airmen have been ordered to Japan." I am pretty sure I did not see that in the State Department.

Q. Beg your pardon? A. I am pretty sure I did not see that in the State Department, and I don't recall this particular one as included among the documents that were shown me either at the first trial or last December.

The next is a telegram from Lockhart dated January 28 from Peiping, No. 68. I don't recall having seen that in the State Department; it is not the kind of thing that I usually received. This, again, may have been included among the material in the Far East that was shown me last December.

MR. CROSS: If I may make a suggestion, I want the witness to go through these documents as he did one by one the Baltimore documents yesterday, but it seems to me that we might perhaps suspend with the witness, if [1586] that is agreeable with Mr. Murphy, and let him look at them, and make whatever notes on each paper that he wants to, and then we can come back with him, and in the meantime we can go ahead with some other witness.

MR. MURPHY: Some other Government witness?

MR. CROSS: Well, if you want to do it that way.

MR. MURPHY: I don't see how we can do it that way.

MR. CROSS: Well, I just suggested it—

MR. MURPHY: Well, it would not save any time, your Honor, by having the witness go into another room and consume the same time. If he wants to suspend and let him do it, it is all right, but I certainly am not going to put a witness on out of turn. If Mr. Cross wants to do it and let the jury relax inside, I have no objection, but I don't want to interrupt the witness.

MR. CROSS: Well, I can appreciate that, but it just seemed to me that since he had not done it before, I just want him to go over these underlying documents just as he went over each Baltimore document one by one.

THE COURT: You want him to answer whether or not he has been shown these either by the FBI or in the first trial or preliminary to this one?

MR. CROSS: Yes.

[1587] THE COURT: Will you bear in mind just what the question is, whether you were shown these by the FBI, or during the last trial, or since the last trial?

THE WITNESS: Yes.

MR. CROSS: Or whether he saw them when he was in the State Department.

THE WITNESS: Yes, your Honor.

Here is 11-A (Group 2). The first item in the group, telegram from Peiping, signed Lockhart, No. 73, to Secretary of State. This again deals with military matters in

China, and I did not see it in the State Department; I might have seen it when I talked to Mr. Spencer last December, though I do not recall it specifically and I don't recall being shown this at the first trial.

Next is Peiping, January 29, No. 74, signed Lockhart to Secretary of State; the same applies to this as the preceding.

This one is a military cable apparently, and it is addressed to a whole group of organizations with abbreviated or initial designations; it is unsigned, dated January 31, from Second Bridgade U. S. Marine Corps. I do not have any specific recollection of having seen that anywhere any time, but I am sure I did not see it in the State Department.

[1588] THE COURT: I do not think you need to quote the contents unless Mr. Cross asks for it.

MR. CROSS: That is true, your Honor. I just want him to indicate those that he was shown by the FBI or at the first trial, or that he saw in the State Department; inasmuch as there are several documents I do not like to keep the jury here while he goes through the same procedure.

THE COURT: Just state whether or not you did see them, and when, if you did see them.

THE WITNESS: January 31 from Rome—oh, wait a minute, I beg your pardon—to Rome from Hull. I don't recall this one. I don't recall seeing it any time.

[1589] Peiping, February 2nd, 80, signed Lockhart. I don't recall seeing this and I am sure I did not see it in the State Department.

Tokyo, February 2, 67, to Secretary of State, signed Grew, G-r-e-w. I don't recall having seen this at any time, and I am pretty sure I didn't see that in the State Department.

London, January 24, 57, signed Johnson, to Secretary of State. I didn't see that in the State Department and I don't recall having seen it recently. That is included under 11-A, group 3.

Seville, January 21, 1938, to Secretary of State, from Bay, B-a-y, No. 1. I am sure I didn't see that in the State Department and I don't think I have been shown it by the FBI or at the first trial.

London, January—this is part of group 4 of 11-A. London, January 28, 70, to Secretary of State, from Johnson. I didn't see that in the State Department and I have no recollection of having seen it since.

London, January 28, to Sec. State, 69, from Johnson. I didn't see this in the State Department and I don't recall having seen it recently.

11-B-A, group 4, telegram from Paris, January 25, No. 136, to the Secretary of State, from Bullitt. I know I didn't see that in the State Department. These [1590] telegrams from Bullitt seem to get a little mixed up with each other in my mind and I find it hard to remember which ones I was shown recently and which ones I was not.

14-A, February 11, from Shanghai, to Sec. State, No. 240, signed Gauss.

Q. Did you say 14-A? A. 14-A.

Q. I am sorry. There's some—12, 13, 14 and 15 (handing). A. It is possible I might have seen this one in the State Department.

Q. You are referring to what? A. 12.

Q. And you testified in direct that "The underlying State document",—when shown Baltimore 12,—"The underlying State document is such that I might conceivably have turned it over to Chambers or Carpenter". 1451. You so testified, didn't you? A. I don't remember what I said, but that would be what I would say now.

MR. CROSS: Now, if your Honor please, I think I can indicate exactly what I would like to put in the record. I don't like to have the jurors sit here while he looks through the documents. I would suggest some other arrangement, but I can understand why Mr. Murphy would not want to interrupt a witness. And may we have the witness go through the documents, indicating which ones he saw in the State Department and which ones he didn't—he wasn't shown either by the FBI or at the first trial, of

these [1591] documents that he has—the remaining documents that he has? I merely suggest that.

THE COURT: You understand that?

THE WITNESS: Yes, your Honor, I think that is what I have been trying—

MR. MURPHY: Wouldn't it take exactly the same time?

THE COURT: What is that?

MR. MURPHY: I think it would take exactly the same time.

THE COURT: It probably would. But I think we might excuse the jury while this is being done, and then the witness give his answer after looking them over.

Can you do that?

THE WITNESS: Yes, your Honor. Well, then, if the stenographer would take down my answers he could read them off, otherwise I would have to look at the documents again.

THE COURT: You could put those in separate groups, couldn't you?

THE WITNESS: Yes, I could.

THE COURT: Well, supposing we do that.

(The jury retired.)

THE COURT: (To reporter) You need not put this on the record.

(Discussion off the record.)

[1592] (The following occurred in the absence of the jury):

THE COURT: Could not this be done: could not you have him testify that such and such he saw at the State Department and others at the FBI?

MR. MURPHY: We might solve it this way: Say the Baltimore papers, which were copies or summaries of the exact papers he is looking at now, and he has picked out certain ones—I don't have the record but Mr. Cross does, and I wonder if he could not say that on direct examination when he saw copies he might have seen A, B, C, D, E or F, and after looking through these original under-

lying documents he might ask has he found others he had seen.

MR. CROSS: I don't want to do it that way.

MR. MURPHY: I will do it any way Mr. Cross wants. I wanted to save time.

MR. CROSS: If he will testify he has either seen or might have seen certain documents in the State Department, or he was not shown certain documents at the first trial—

MR. MURPHY: That is the way we stopped when the jury went out and your Honor though we could shorten it some way.

I made one suggestion and that was not acceptable.

[1593] MR. CROSS: I want him to look at the documents.

THE COURT: Look at the documents and place them in separate groups. You understand Mr. Cross's questions?

MR. CROSS: There are two categories. Put them in separate groups. One, you may have seen them in the State Department, and, two, those that were not shown either by the FBI or at the first trial.

THE WITNESS: That would make three groups, wouldn't it?

THE COURT: You can do that. You understand?

THE WITNESS: Yes, I do.

THE COURT: Well, do it, and let me know when you are finished.

(Short recess.)

(The jury returned.)

BY MR. CROSS:

Q. Mr. Wadleigh, have you now gone through the remainder of the underlying State documents and arranged them in certain groupings? A. I have.

Q. Have you one group of papers that you have looked at that bear a date subsequent to the time you sailed on March 11, 1938? A. I have.

Q. And will you let me see that group so that we can keep them from getting mixed up with the others?

A. (Handed.)

[1594] Q. Now will you indicate which of the underlying State documents you think you saw in the State Department?

A. May have seen, Mr. Cross.

Q. However you want to put it. A. Buenos Aires, dated March 26, unnumbered, signed Ravandal, to the Secretary of State.

Q. The number on the back? A. 38-A.

THE COURT: The number on the back?

THE WITNESS: Yes, sir.

THE COURT: Why don't you just refer to them by number?

THE WITNESS: 36 and 33-A; one part of 31-A. There are two documents in this. The second document in 31-A—shall I specify further?

Q. Is it a cable? A. Yes.

Q. Give from whom the cable came and the place of origin and the date and the number of the cable.

A. Berlin, signed Gilbert, dated February 14, No. 54. 32-A.

With regard to No. 13 may I make a remark, Mr. Cross?

Q. Yes. A. This is simply a covering document to an underlying memorandum which is not attached and therefore I am unable to say whether I have seen it or not.

MR. CROSS: May I have 13-A before you pass that.

[1595] (Handed.)

Q. I now show you— A. I beg pardon. It is 15-A.

Q. No. I know what you have here as 13? A. Yes, I may have seen in the State Department.

Q. Well, that, as you pointed out, is the Jones memorandum? A. Yes.

Q. And that accompanied a report from Yokohama?

A. Yes. That I may have seen.

Q. Now I show you the original of the Yokohama report, being the Boyce report of January 18, 1938, and ask you if you saw that or a copy of it? A. I think it most improbable that I saw this but that is as far as I can go on this one.

Q. Well, that relates to the same matter as 8, does it not—the Manchukuo document? A. No, sir. This relates to a trip being made by a certain Mr. Aikawa to the United States.

Q. That is on a different matter from the economic report on Manchukuo? A. A related matter but different.

Q. All right. A. Now No. 15 refers to an underlying document which I do not have here.

Q. That I think there is no question but what it relates to the Jones memorandum.

MR. MURPHY: Your Honor, I don't want Mr. Cross to say "no question". I think that is why we have this [1596] witness in the box.

MR. CROSS: I thought we were in agreement.

Q. May I see the Jones memorandum of February 7, 1937, which is Exhibit 12? A. I don't think I have that here.

Q. Don't you have Exhibit 12 that you looked at?

A. I think I already turned that back.

Q. No. I think it is underneath, isn't it? A. No. There is no Jones memorandum here, that is, No. 12.

MR. MURPHY: 12 was testified to before the intermission.

Q. Now I will show Exhibit 12 and show you 15 and ask you—I think you have already said— A. I have already testified on this and I have said that I might have seen it.

Q. And might have given it to Chambers or to Wadleigh?

A. Carpenter? You said "Wadleigh".

Q. Carpenter, I am sorry. A. I might have, yes.

Q. And 15 is a covering document, as you stated, that Dr. Hornbeck's memorandum? A. Yes.

Now 38-A I might have seen in the Department. 33-A I might have seen. 36? Haven't I already testified on 36?

Q. 36 you have? A. And on 31-A, 32-A I have, and 13, yes.

The remaining are documents which I am sure I did not see in the State Department.

[1597] Q. How about those that you say that you might have seen in the State Department? Were you shown any of those by the FBI or at the first trial? A. I don't recall any of them specifically, but I was shown so many documents all at once that I would not be able to say with certainty that I did not see any particular ones.

Q. As a matter of fact you were shown them as a batch of papers, weren't you? A. I was shown a batch of papers, yes.

Q. And you did not look at them paper by paper as you have done here, did you? A. Yes, I did. With the FBI I did.

Q. I am now speaking of at the first trial. A. At the first trial I was shown individual papers but not a large number of them.

Q. Any of these? A. I don't recall that any of these were included.

Q. Now I am going to show you Exhibit 36. This is a photostatic copy of a memorandum from Mr. Sayre relating to a conversation had with Mr. Hurban dated February 18, 1938, and it has a stamp of Trade Agreements Section of February 19, 1938, with the initial "T copy". Do you know what that means? A. I am not sure what that means. If it said "TA copy" it would mean that that is the copy that stays in the Trade Agreements Division, but "T copy" is a little mysterious to me.

[1598] Q. Was a copy of this retained by Trade Agreements?

A. It was returned to the State Department file probably from Trade Agreements Division, I would say. That is, the Central Department file.

Q. Now, Mr. Wadleigh, a great number of those papers that you reviewed here had to do with Far Eastern matters, didn't they? A. They did.

Q. And those that had to do with trade agreements or economic matters in certain countries, you indicated that you might have seen those in the State Department? A. I did, or, at least, some of them.

Q. Now I show you Government's Exhibits 48, 50, 51, 52 and 53, those being enlargements of microfilm photographs. You remember those being shown to you in your direct testimony, do you not? A. I do.

Q. And that was placed in one group of papers yesterday and you referred to that group first? A. I believe I did.

Q. And your testimony is that you may have seen those documents in the State Department? A. That is correct.

Q. And that you might have given them either to Chambers or to Carpenter? A. Remotely possible.

Q. Do you remember what you said yesterday when you testified on direct? A. I said substantially the same thing; I may have used slightly different words.

Q. Do you remember what you said in your article about [1599] it? A. I don't recall that I mentioned these documents in the article.

Q. Did you say this, that "Mr. Murphy"—you did not say "Mr. Murphy"—"Murphy showed me various documents from the Chambers collection and asked me if I had seen them when I was in the State Department. I was sure that most of them I had not. However, there were a few I might possibly have seen and given to Chambers." A. I may have said that in the article. It would be correct.

Q. Which ones do you say you might have seen and gave to Chambers other than what you have already indicated?

A. Nothing other than what I have already indicated.

Q. And by those that you have already indicated you would include Exhibits 48, 50, 51, 52 and 53, would you not?

A. May I correct myself here. That statement that you quoted from my article can be construed as a general statement and does not refer to any specific documents, but simply says that there may have been some documents in that collection which I gave to Chambers; so that I would not want to limit it to any particular set of documents on which I may have answered questions in this trial here.

Q. What papers did Mr. Murphy show you at the first trial and ask you if you had seen them when you were in the State Department? A. As I recall, the papers shown me were these German trade agreement documents and a cable from [1600] Bullitt, and there may have been one or two others.

Q. How about these Baltimore exhibits that I have shown you the underlying documents of and the Baltimore exhibits you went through one by one on direct testimony; were those shown to you? A. I don't recall whether they were shown to me at the first trial or not, but I think not.

Q. Now, will you tell his Honor and the jury what you meant when you said "Murphy showed me various documents from the Chambers collection and asked me if I had seen them when I was in the State Department. I was sure that most of them I had not. However, there were a few that I might possibly have seen and given to Chambers"?

MR. MURPHY: No, that is not quite correct.

MR. CROSS: "However, there were a few that I might possibly have seen and given to Chambers."

MR. MURPHY: Right.

MR. CROSS: What did I say?

MR. MURPHY: I thought you left out the "However". If you did not, I am sorry.

A. It seems to me that those words are so clear that I can't think of any paraphrase which would make them clearer, Mr. Cross. I meant exactly what I said by those words.

Q. Now, my question is, point out to me the documents so we can tell his Honor and the jury which ones

by exhibit [1601] numbers you say that you might have seen while in the State Department and turned over to Chambers.

A. Well, it would certainly include these here (indicating).

Q. And when you say "include these" you refer to Exhibits 48, 50, 51, 52 and 53, do you not?

A. I do.

Q. And those have the consecutive numbers on the lefthand corner, 1 through 48? A. 1, 3, 19, 23, 36 and 37.

Q. And the last number is what, 48? A. I don't see a 48 here.

Q. The last page of the last batch. A. 48.

Q. 1 through 48? A. Yes.

Q. And also you would include those which you have picked out here this morning when you say you might have seen those in the State Department? A. I beg your pardon, I didn't get that.

Q. You would include in those that you said in your article, "However, there were a few that I might possibly have seen and given to Chambers"—you would include those that you have picked out and indicated to his Honor and the jury this morning that you might have seen in the State Department? A. When I wrote the article I didn't have a complete list of documents in mind, Mr. Cross. When I wrote the article I made the statement in general terms and I am not able to tell you precisely what documents the article refers to.

[1602] Q. Well now, I ask you, in addition to Exhibits 48, 50 through 53, what other documents were there that you might have seen in the State Department and given to Chambers? A. Very many other documents are in the State Department that I might have seen and given to Chambers.

Q. Mr. Wadleigh, I am referring to these Chambers' —you described them here as the Chambers' collection; I am talking about the enlarged microfilms and the so-called Baltimore Exhibits 5 through 47.

A. Well, Mr. Cross, I would like to be a little clearer on just what you are asking me here. Are you asking me to interpret my article or are you asking me to state the facts?

Q. I am asking you for the facts. A. All right then.

Q. You have already said, as I understand it, that Exhibits 48, 50, 51, 52 and 53 you might have seen in the State Department and might have given them to Chambers. A. All right, now I understand.

Q. What are the exhibits 5 through 47 might you have seen in the State Department and given to Chambers?

A. Which are the 5 through 47?

Q. The ones that I laid before you, and you started with 5 and went through and described it.

A. The underlying documents?

Q. Yes. A. Well, the ones that I said that I [1603] might have seen in the State Department I might also have transmitted to Carpenter or Chambers, and ones on which I have already testified that I might have seen them in the State Department.

Q. Now if you saw a copy, for instance, of Exhibit 53—will you look at 53, the last exhibit of the batch? That is the German—that is the Aide Memoire.

A. The one in German?

Q. No. The last exhibit. A. There is a page loose here. Is this the one, 53?

Q. 53. Does page 14 go with 53 or—

A. 52 I think.

Q. Oh, that is the German. So it goes with 52. Now, will you describe 53? A. 53 is a translation of an Aide Memoire, a kind of memorandum that was delivered by the German Ambassador to I think the Under-Secretary.

Q. If you handled that document or copy of it, that would be a copy belonging to the Trade Agreements Division, wouldn't it? A. Presumably.

Q. Well, as a matter of fact, on a matter such as this, the Trade Agreements kept a working file, didn't it?

A. Oh yes, certainly.

Q. And taking, for instance, that Hawkins memorandum, Exhibit 48, a copy of that would be retained in the working file of the Trade Agreements Section?

[1604] A. It would.

Q. And in fact a copy of all those exhibits, 48, 50, 51, 52 and 53, a copy would be retained in the working file of the Trade Agreements Section until this matter was completed, wouldn't it? A. It would.

Q. After the matter was completed what would happen to that working file of the Trade Agreements Section?

A. Well, the original of a document like this would of course go to the Department files. The Trade Agreements Division might keep a carbon copy in its own files.

Q. For instance, that carbon copy of the letter or the memorandum from Mr. Hawkins to Mr. Sayre of January 8, 1938, the original went to Mr. Sayre, the signed copy. Now, what would happen to the copy?

A. The signed copy?

Q. No. A. Oh, the carbon copy.

Q. The carbon copy that was retained in the Trade Agreements file, working file. A. Well, I presume it would stay in the file there.

Q. Now, do you retain those working files, after the matter is closed, indefinitely? A. I really don't know how long they were kept.

Q. Well, they would be kept for months?

A. I am sure they would be kept for months, yes.

Q. And, very likely, so long as the matter had any [1605] interest in the State Department? A. Yes, quite likely.

Q. But after that time very likely destroyed and the original, with certain distribution copies, would be retained by the records department for permanent record?

A. I don't have any recollection that any destruction of such division files came to my attention while I was in the department.

Q. Even though they were simply working files?

A. I don't remember knowing of any working files that were actually destroyed, but it may be that from time to time they have to be cleaned out.

Q. Now I am going to show you Exhibits 54 and 55 containing the serial numbers 49 through 58 (handing), and I will take the others away so we won't get them mixed.

THE COURT: What was the question, Mr. Cross?

MR. CROSS: He was looking at them and I want to ask him a question when he has had an opportunity to look at them. I am just waiting.

THE WITNESS: Perhaps I can answer it without any further looking.

Q. All right. This is the question: Are those three cablegrams sufficiently interesting to you that you would have regarded them at the time as a sufficiently rich find, an unusually rich find?

[1606] A. Let me look at them a little more.

I think the first paragraph of the first one by itself would be a rich find. This first one would definitely be a rich find.

Q. By that you are referring to Exhibit 54?

A. Yes, sir.

The next one, No. 55, has a one-page telegram at the top which would certainly be an A-1 item from the standpoint of my operations with Chambers and Carpenter in 1937-38. There is enough on the first page of this long telegram that follows to make it a rich find, so I don't think I need to look at the rest of it to answer your question.

Q. Would you describe the documents as being an unusually rich find? A. Definitely, yes.

Q. Those three documents bear the stamp of Francis B. Sayre's office and the pencil initial "AH", do they not? A. "AH" is pretty hard to see on this one.

Q. You can see Mr. Sayre's stamp? A. Oh yes, the stamp is there.

Q. And that appears on all three telegrams or cablegrams, does it not? A. I will verify if you wish. It appears on this one; and this; and this; and this; and this. That covers the group.

Q. And the date of every one of those stamps is [1607] January 14, 1938? A. That you cannot verify from these photographs. The first one is January 14 and the rest of them—well, this one is legible, January 14—well, if you tell me that that is January 14 I can recognize it. I think I might have had difficulty recognizing it otherwise. Yes, these are all dated January 14.

Q. How many weeks before January 14, 1938, had you had this meeting with Sasha and Chambers?

A. I don't know.

Q. It was in the latter part of 1937, wasn't it?

A. I don't know.

Q. Well, that is what you said in your article, didn't you? A. I stated yesterday in testimony here that my statement in that article about the date of my meeting with the so-called Sasha was a rather uncertain memory impression. And for purposes of testifying under oath I am not willing to state it as a fact, that I met him in the latter part of 1937. I am not sure about the date.

Q. But in your article you did say that it was toward the end of 1937, didn't you? A. I have admitted that already, Mr. Cross, and I have qualified it and I have made myself perfectly clear.

Q. Well, while we are on the matter of qualification, yesterday I used the word "stealing" these papers. You admitted that you stole these papers at the first trial, [1608] didn't you? Yes or no. A. I don't remember saying "yes" in answer to any question including the word "steal".

Q. I will read from page 1356:

"Q. You just took the papers that came to your desk? A. That is right.

"Q. Stole them and turned them over to Chambers? A. That is right.

"Q. And wherever a paper came across your desk that you thought would be helpful to Whittaker Chambers you stole it and handed it to him, is that right? A. That is right.

"Q. And you were really desirous of being helpful to Mr. Chambers in his work of securing stolen documents

from the State Department to pass on to Russia? You wanted to help him? A. I think I have made that sufficiently clear already, haven't I?

"Q. I don't know. That would be for these ladies and gentlemen to decide, not me, so I will ask you to answer my question if you don't mind. A. Well, the answer is, yes.

"Q. I suppose you also wanted to pass along to Whittaker Chambers any little things you could overhear, didn't you? A. Yes.

"Q. In other words, in going around with the people in the State Department who thought you were an honest man, if you overheard some eavesdropping on some conversation [1609] that you thought would be useful to Mr. Chambers and the Russian Communists whom he was serving, you would listen in and report that to Mr. Chambers, is that right?

"A. I have no recollection of ever eavesdropping on any conversation. In fact, I am quite sure I did not eavesdrop on any conversation.

"Q. You did not do that? A. No.

"Q. Your conscience would have kept you from that?

"A. I just did not do that kind of thing. I just did not eavesdrop on people. It is a matter of habit, if you like.

"Q. It was not a matter of conscience then, but habit, is that right? A. It just never occurred to me.

"Q. Now the word 'eavesdropping'"—

MR. MURPHY: May I find out, your Honor, whether Mr. Cross proposes to prove by this recollection refreshed as to whether or not the witness did not say he stole papers. I think that is what he started to prove.

MR. CROSS: I am also reading the part having to do in testifying on oral information that contradicts what he testified to yesterday.

MR. MURPHY: Your Honor, I submit counsel is entitled to confront the witness with prior inconsistent statements, and to that of course I have no objection. Now it seems to me that Mr. Cross's statement now that [1610]

he wants to confront him with passing on oral information, my recollection is the witness said he did not say so, and now we are going on further—

MR. CROSS: I have one more question.

THE COURT: Let us hear the question.

MR. CROSS: I have to read it before I can frame the question, if your Honor please. If Mr. Murphy had not interrupted that would have been over before now.

Q. (Continuing) "Q. Now the word 'eavesdropping', when you were with gentlemen who trusted you and believed that you were an honest man, you would hear certain things, whether you call it eavesdropping or not, that would be so, wouldn't it? A. Yes.

"Q. If you thought what you heard from your colleagues would be helpful to Mr. Chambers and his Russian allies, you would pass it on to him? A. Yes."

Were those questions asked you and did you give those answers at the first trial?

A. So far as I can remember. May I add that in over looking the inaccuracy of the word "steal" in the question—

[1611] Q. No, please. If you want to make any explanation later you may do so, but I want first the answer to the question I just asked you. A. Well, so far as I can recall that record is accurate.

Q. Now, do you want to make some statement about the "stealing"? A. Yes, I would like to. I would like simply to say that at that time it did not seem to me worthwhile to make an issue about the inaccuracy of Mr. Stryker's use of the word "steal". There is no inconsistency.

Q. You testified when you were shown those exhibits, 54 and 55, that you did not think that you had given those to Chambers because you did not give any considerable quantity of such material to Chambers, is that right?

A. I don't recall saying that.

Q. Now, when you were shown this Exhibit 48, which is the Hawkins memorandum to Mr. Sayre before the house Committee and asked whether or not you turned that over

to Chambers, you refused to answer on the ground that it might incriminate you?

A. I refused with regard to all State Department documents. Whether this was included or not—if it was included I refused with regard to this.

Q. Did you work for Mr. Leo Pasvolsky at one time?

A. I did.

[1612] Q. When was that? A. I started in, I think, the latter part of 1939.

Q. Now, when you were shown Exhibits 48, 50 through 55 at the first trial, did you testify that you did not think that you gave those to Chambers "but there is a possibility that my recollection may be faulty"?

A. In substance that is what I testified, both then and now.

Q. Then if I can just run over this: As to Exhibits 48, 50 through 53, you think you saw copies in the Trade Agreements Section, and you may have given those to Chambers?

A. No. I do not think I saw copies in the Trade Agreements Section. I might have seen them but I don't think I did.

Q. Well, you say you might have seen them and you might have turned them over to Chambers?

A. That is correct.

Q. And you might have turned over Exhibits 54 and 55 to Chambers? A. This whole batch of German trade agreement documents is covered in my statement that you just quoted.

MR. MURPHY: How about the last two, 54 and 55?

THE WITNESS: Yes—oh no, not those. Just the German trade agreement documents, I beg your pardon.

Q. Well, your reason why you say you do not think [1613] you turned over 54 and 55 was because you had not turned over any considerable quantity? A. No. My reason for being quite certain I did not turn over 54 and 55—these are both from China; these were not German trade agreements; these are cables from China—my reason for believing I did not turn these over is that I know very well

I did not get this kind of material, and if some odd piece of material of that variety had come to my desk by a fluke I would have remembered it. It would have been a rich find.

Q. In that conversation with Sasha you said if given another opportunity you would try to convince them that you were not withholding papers, didn't you?

A. No, I did not say anything about if given another opportunity.

MR. CROSS: I will leave the record stand on that. That is all.

Redirect Examination by Mr. Murphy:

Q. What did you tell Sasha? What was the conversation, as you recall it? A. I told him simply that it just wasn't so that I was withholding stuff. I said I was making the best selection I could out of the stuff that I got, and if there was anything that I did not turn in that they were interested in I would be glad to have more detailed instructions as to what they were interested in.

[1614] Q. In other words, you were giving what came over your desk, and what came over your desk was not quite what they wanted? A. That is correct, except that I was not giving everything that came over my desk; very much less than all of it. I selected quite a small part because the rest was of no interest.

Q. Well, specifically relating to these 10 pages of telegrams from Mr. Bullitt which we have come to know as 54 and 55, which are part of the same microfilm that the German documents are on, you feel—I think the phrase you used is "quite sure"—is that correct?

A. Yes, and I mean "quite" in the dictionary sense—completely sure.

Q. Because of your English education the "quite sure" means completely sure, doesn't it? A. It does.

Q. We sometimes use it differently, in the sense perhaps there is some hesitation. You mean completely sure when you say "quite sure"? A. Yes, I do.

Q. And I think you said if you had ever seen those telegrams from Mr. Bullitt which form part of the microfilm you would consider them quite a rich find?

A. I most certainly would.

Q. And if there was any fluke that came across your desk you undoubtedly would have remembered it?

A. I certainly would.

[1615] Q. You don't know, do you, what the records of the State Department show about the distribution of these telegrams? A. I do not.

Q. You don't know that the records already in evidence do not show that they were distributed to the Trade Agreements Section? A. I am certainly not surprised to hear it, sir.

Q. And, of course, you appreciated the fact that Mr. Sayre's stamp was on each of them?

A. I did as soon as Mr. Cross drew my attention to it.

Q. All right. Now see whether we can do this in short order, Mr. Wadleigh. These various groups of papers that you have looked at, when we had that little intermission, then the testimony prior to that, it was for the purpose of you determining three things: 1, whether you had ever seen the documents in their original form in the State Department, 2, whether you had seen them when the FBI showed you certain documents in December of last year, and 3, whether or not you had seen them at the first trial. A. Yes.

Q. Now, you eliminated quite a group almost immediately because they were dated after you had been on a boat going to Turkey. A. I did.

Q. And can we say that the documents dated after March 9th, not March 11th, March 9, 1938—I understand that you submitted a voucher which shows March 9th was [1616] the day you left. Would you take that subject to correction?

A. I think that the voucher is more reliable than my recollection, Mr. Murphy. If—

Q. Well, I won't press it. It is a matter of two days one way or the other. A. If the voucher says I left on the 9th, I must have left on the 9th.

Q. All right. At least, whatever the date was that you left, that excludes the documents thereafter?

A. It does, certainly.

Q. Then you had another group which you said that you were quite sure you didn't see in the State Department; is that correct? A. I did.

Q. And then you told Mr. Cross that there were some that you might have seen in the State Department.

A. I did.

Q. And you have limited those to Nos. 31, 32, 33, 38, 13 and 12. That is my recollection.

A. I don't remember the numbers, Mr. Murphy, but—

MR. CROSS: 5 through 8—36.

Q. I am told that you say you might have seen a group known as Nos. 5 through 8, 12, 13, 31, 32, 33, 36 and 38.

MR. CROSS: 36.

MR. MURPHY: 36.

Q. (Continuing) Assuming that those are the numbers that we lawyers have written down, you will take it that [1617] those are the numbers of the exhibits that you might have seen, is that correct? A. If there was no mistake made in taking down the numbers; I mean, I am not able to verify the correctness of that.

Q. My point is that the only conclusion that you came to after looking at them is that you may have seen them.

A. That is a correct conclusion.

Q. You have no independent recollection of actually having seen them? A. I have none at all.

Q. And, then, commencing with the premise where you say you might have seen them you arrived at another conclusion, saying that you might have transferred those to either Mr. Chambers or to Mr. Carpenter?

A. That is correct.

Q. Now, did you say with regard to the other group of microfilms, that is the ones relating to the German papers, 48 to 52 I think, inclusive, or 53, that you also might have seen them and might have given them to Chambers or to Carpenter; is that correct?

A. That is correct.

Q. Now, as long as we are dealing in the realm of possibilities, and that is what you were dealing in, weren't you— A. I was.

Q. —from the realm of possibilities? A. Yes.

Q. What is the possibility that you did? Didn't you [1618] say it was remotely possible? A. I did.

Q. In other words, you are conscious of the fact that in the realm of possibility the thing was humanly possible, is that correct? A. That is correct.

Q. Your recollection is that you did not in fact give those? A. Well, I would prefer to say, Mr. Murphy, that I have an absence of recollection that I did.

Q. But you want to say that there is the possibility? That is correct? Can we leave it that way?

A. Yes, sir.

Q. And you have no recollection definitive on the subject? A. I have none.

Q. Except as to those ten that form part of the microfilm, the last 10, the Bullitt cable—those you feel rather positive, I think you said "quite sure", that you didn't give? A. Oh, I have seen a number of documents, Mr. Murphy, about which I can be sure that way, quite a number.

Q. Yes, but I am now referring to the ones that form part of the microfilm, the last 10 frames.

A. Yes, certainly, I can state that as a certainty.

Q. Quite sure? A. Quite sure.

Q. All right. Now, Mr. Wadleigh, Mr. Cross didn't ask you about the underlying documents of these four paper handwritten notes which are Government Exhibits [1619] Baltimore 1 to 4. You have told us that you never handed these papers to anyone at all, didn't you?

A. I did say so, I believe.

Q. And you told us that you never in fact saw them?

A. I never in fact saw them.

Q. Now as long as we are looking at those 1 to 4, I am going to show you the underlying State documents that they relate to. Now, Mr. Wadleigh, I am going to show you these exhibits. They are numbered Government's State 1 and 1-A, and then 2 and 2-A, 3 and 3-A, 4 and 4-A, and you will notice that there is attached a photograph of the handwritten note and then the underlying cable showing the distribution copy and the photograph of the yellow action copy, and I want to call your particular attention to the date on some (handing). Here is No. 4 (handing).

Well, let us take each one separately. Are you looking at—which one? Number? A. No. 4.

Q. No. 4. All right, now let us look at the date of it. Let us start with that. What does the date of the underlying document show? A. Dated March 11.

Q. 1938? A. That is correct.

Q. Can we be rather positive about that telegram?

A. We can be completely positive.

Q. Completely positive? A. Yes, sir.

[1620] Q. In other words, you were at least boarding a ship or two days out, depending on what the date is?

A. Yes. The next one 4-A is March 11th. That also—

Q. That is the same one, isn't it? A. —is the same one.

Q. By the way, may I tell the jury how that was distributed. A. Yes, sir.

MR. MURPHY: Reading from 4-A, the distribution sheet shows it went to the top five or six, and then did not go to the Trade Agreements at all. And it was dated March 11th.

THE WITNESS: Mr. Murphy, may I make a remark about that date?

Q. March 11th? Yes. A. I think March—I am sure March 11th is the date of actual sailing from New York. March 9th must be the date of my departure from Washington. That would account for the 9 and the 11 there.

Q. Well, if you left Washington, did you come to New York? A. Well, that is what I have been trying—yes, that is what I have been trying to recall. I have been trying to recall whether I spent a day in New York on my way out. I guess I must have.

Q. And that would at least take you out of the City of Washington and out of the Trade Agreements Section for that [1621] date? A. It would.

Q. Yes. All right, now, the next one. What number are you looking at? A. This has no number on—oh, it is State 1.

Q. 1. That is dated what? A. January 28th.

Q. So you were in the State Department in January?

A. I was. I was in the State Department, yes.

Q. Do you remember that telegram at all? A. I remember it very distinctly from last December, and I know that I didn't see it—well, let me see now. As for seeing it in the State Department, if I had seen that in the State Department in 1938 it would have been completely meaningless to me, and therefore I might not have remembered it; but it is not the kind of material that would have come to my desk.

Q. Do you know how that was distributed? Will you tell us what the markings are on the yellow action copy, as to who received the yellow action copy, and then I will read to the jury how it was distributed according to the distribution copy.

A. It went to the Secretary and Under-Secretary. I don't know what that next symbol is.

Q. Supposing you just look at the other one and I will read that one to the jury. Can you tell from the markings on there or the stamps? That is the yellow action copy.

A. The action copy only went to EU, which is the [1622] European Division. And PD—I can't remember what PD is at the moment.

Q. We are agreed that it was not Trade Agreements?

A. Not Trade Agreements certainly.

Q. And the distribution copy shows that it went at least to the top five and not Trade Agreements. All right. Now, would you look at the next exhibit.

A. 2-A.

Q. What is the date of that? A. March 2. It was not distributed to Trade Agreements.

[1623] Q. You said the date was March 2, and it related to a matter that the Trade Agreements Section would be interested in at all? A. Well, I would have to read that and read the telegram through carefully to find out. (After reading) There might have been a good justification for sending this to Trade Agreements but I see on the distribution marked on the side here that it was not. It deals with customs receipts and monetary matters which are sufficiently closely related to trade so that there would have been a justification for sending it to Trade Agreements.

Q. Have you come to any reference to airplanes, some 30 Potez-63's? A. Yes, there is a reference to airplanes in the last but one paragraph and the last.

Q. And that was not distributed to Trade Agreements?

A. It was not.

Q. Now look at the next, please. A. No. 3.

Q. What is the date? A. March 3.

Q. You were getting ready to go to Turkey then, were you not? A. Rather hectic preparations at that time but I was still in the Department.

The action copy did not go to Trade Agreements.

Q. Or the distribution copy or information copy?

A. No, sir, it did not.

Q. All right. That covers them all I think. Now yesterday, Mr. Wadleigh, there was some discussion about [1624] lawyers and what you were advised, and changing lawyers. Do you remember that? A. I do.

Q. And I am not too sure what the inference was that was attempted to be drawn from both of those so I am going to ask you to go over those dates again and tell us what your lawyers told you about your rights; whether or not you had a deal with anybody, that means me or any of the lawyers here, or the Attorney General or Assistant Attorney General, and whether or not you received any quid pro quo or consideration in the grand jury for testify-

ing; or whether or not you are testifying here under oath without any promises. Do you understand what I am trying to prove?

A. I do.

Q. All right. Now let us commence with the first time you saw the FBI. That was in the City of Washington, was it? A. It was.

Q. On December 6th? A. It was.

Q. Did you have an attorney at that time? A. No, I did not.

Q. And had you testified before the House Committee as yet? A. No, I had not.

Q. And I take it, of course, you had not been up to New York to see the FBI either? A. No.

Q. Now that appears to be a good day to start with. You say the FBI people came to the office while you were [1625] then working? A. They did.

Q. Now tell us what happened from that point on.

A. Well, after a good deal of hesitation I told them most of my story. I omitted one detail, and that is as to how I met Harold. I concealed that, but the rest of the story I gave them in substance.

Q. On December 6th? A. On December 6th.

Q. Without an attorney? A. Without an attorney.

Q. And were any promises made to you by the agents?

A. None whatever.

Q. Were you warned that you had certain rights?

A. I don't remember what warning they gave me but—

Q. Were you told, in substance, that any statement you gave could be used against you? A. I think so. Yes, so far as I can remember.

Q. Do you also recall that you were told you could have a lawyer if you wanted? A. Yes. They did mention that, and now that I come to think of it—

Q. And you signed a statement. Was it a written statement? A. It was.

Q. And that was before you had been to the House Committee and before you went to the grand jury and before you had seen a lawyer? A. It was.

Q. Did you then see a lawyer? A. I did, very shortly afterwards.

[1626] Q. And who was that lawyer? A. Herman Greenberg.

Q. And that was in the City of Washington? A. Yes.

Q. And did you next appear before the House Committee or did you next appear before the grand jury? A. I next appeared before the grand jury.

Q. Now, when you were in the grand jury here in New York, that was on December 8th, was it? A. 8th.

Q. And was your stay in the grand jury very long or short? A. It was quite short.

Q. And was the substance of it that they asked you whether you had made a statement? A. That was it.

Q. And that you refused to testify? A. I did.

Q. On the ground that it might incriminate you?

A. I did.

Q. And then you left there and Mr. Cross said, and he read from your newspaper article, that Mr. Ray Whearty, Assistant Attorney General, spoke to you? A. He did.

Q. And then you went down to Washington and would you continue there and tell us what the chronology is? A. I went down to Washington and I called my attorney by phone from the station and told him that I wanted to see him next morning, and I did see him next morning, and I told him what had happened in New York, and then he said that he would not be able to represent me any longer. That was the end of that, the end of my connection with him. After [1627] that I spent several hours, or two hours and twenty minutes, I think it was, in the House Committee room being questioned by them. Shall I continue?

Q. Yes, please. A. And then I went to see Mr. Campbell.

Q. In the House Committee you refused to answer certain questions? A. I did. I refused to answer all questions that I had a right to refuse to answer.

Q. And you told us yesterday that the real basic reason was that you did not agree with what the Committee was doing? A. That is correct.

Q. Although you gave the legal excuse? A. That is correct.

Q. Claiming your constitutional privilege? A. That is correct.

Q. Now, you went to where? A. Then I went to see Mr. Campbell, Assistant Attorney General, and I immediately asked the question, which was foremost in my mind, and that is if I told my story to the grand jury can I still refuse to answer the questions to the House Committee, and he assured me that I could, and I might say that that is the nearest thing to a deal I have had with the Justice Department. I don't think it is a deal. I think it was just legal advice I got from Mr. Campbell, but that is the nearest thing to a deal.

[1628] Q. You were not promised anything? A. I was not promised anything. In fact, Mr. Campbell said quite definitely, in so many words, "I am not making any promises."

Q. And then you came back to New York? A. I did.

Q. And you testified fully and completely in the grand jury? A. I did.

Q. Without claiming any constitutional privilege?

A. I did.

Q. Did you testify in the grand jury before you consulted a lawyer? A. No, I did not. In fact, I was determined not to make a decision on the basis of my talk with Mr. Campbell until I had checked with a lawyer and asked him to give me his own personal opinion as to what I should do.

Q. And how did you find that lawyer? A. I called the Civil Liberties Union, the American Civil Liberties Union on my arrival in New York on the 10th of December and I asked them to give me the name of a lawyer.

Q. And whom did they refer you to? A. Mr. Raymond L. Wise.

Q. And you consulted with Mr. Wise? A. I consulted Mr. Wise that afternoon and—

Q. What did Mr. Wise say your criminal liability might be if you testified? A. Well, I gathered from him that the thing was pretty much of an open question of the law; that it was not possible to make a positive statement one way or [1629] the other. That is so far as the legal aspect of it is concerned. But I asked him his opinion also, simply as a human being—I mean, as he put it, "What you are asking me is a moral question, not a legal one"; and I said, "I want to hear the answer to it on that basis"; and he told me that he wanted me to cooperate with the Government.

Q. Well, did you indicate to him that you wanted to?

A. Well, I just put the problem up to him. I said, "Here is my problem. On the one hand I have these desires and on the other hand I have these other desires and I am in a dilemma. What would you do if you were in a fix like this?"

Q. Well, did you feel at any time that you had been a traitor to your country? A. I have never had any such feeling and I am convinced I was not a traitor because I never intended to injure the United States.

Q. What was the underlying purpose in giving these papers to Chambers back in 1937 and 1936? A. The main motive was fear of the Nazis and the other aggressive powers in the world. I felt that the Soviet Union was the only power that was actively resisting the expansion of the Fascist and Reactionary powers.

MR. MURPHY: Shall we adjourn now for lunch, your Honor?

[1630] THE COURT: How about these next five minutes?

MR. MURPHY: I can continue for a longer time, but I thought this might be a good time to adjourn, but I can continue, your Honor.

THE COURT: We might as well use the five minutes.

MR. MURPHY: All right, Judge.

THE COURT: Do you have some particular reason, Mr. Murphy?

MR. MURPHY: No, your Honor. It was just the end of a subject matter. I can go to something else.

THE COURT: Are you going to start in on another line of examination?

MR. MURPHY: Yes, your Honor.

THE COURT: Well, I suppose it is just as well to recess now until a quarter after two.

(Recess to 2:15 p. m.)

[1631] Afternoon Session

HENRY JULIAN WADLEIGH, resumed.

Redirect Examination Continued by Mr. Murphy:

Q. Mr. Wadleigh, in going over my notes at the noon recess—just one final question on these documents—I had in my notes that you said that you might have seen, amongst some other few papers, 38-A, and I think you read it as a cable from Buenos Aires. Do you remember that, Buenos Aires? A. I think I do, yes.

Q. I call your attention to the fact that that one is dated March 26, 1938. A. Oh, I forgot to look at the date.

Q. Well, that would put us in that category where you were on the high seas somewhere? A. Yes, it would. With regard to that date, Mr. Murphy, I had been thinking about that in the lunch hour, and I think that sailing must have been on the 10th, not the 11th.

Q. On the 10th. All right. Now, when you went to Europe as a baby almost and stayed there for some 25 years, that was with your family, was it not? A. It was.

Q. What was your father doing that time? A. He was an Episcopalian minister, and he was rector of various American churches in Europe one after another.

Q. And you didn't marry until you came here, did you?

A. I married just before I came back.

[1632] Q. There may have been some confusion this morning I am not too sure, but when you were asked about whether you knew a Joe Jones— A. Yes.

Q. —some of my people here say that you said he was an economist or a Communist? A. Economist.

Q. Economist. A. I am sure he was not a Communist.

Q. The word was economist. A. I would be vastly surprised if he were a Communist.

Q. So that we can have the record quite clear, you had said he was an economist? A. Economist.

Q. Now, Mr. Cross asked you also whether or not during the time of the State Department work on the German Aide Memoire and the related papers you were not a specialist in the Department, and I think you said that you were. A. Well, I had a certain specialty assigned to me.

Q. And as a result of that assignment at or around the early part of 1938, what work were you doing? A. I was working on exchange controls and clearing agreements, quotas and quantitative trade controls in general.

Q. And as a result of not having too much to do you went to Mr. Hawkins? A. I did.

Q. Do you recall whether or no you were consulted in that specialty in connection with these papers relating to the German Aide Memoire? A. I have no recollection that I was consulted on that.

[1633] Q. Although you feel that you would have been qualified for such consultation? A. I do.

Q. Now, when Mr. Cross read to you an oath, whether or not you had taken an oath—

MR. MURPHY: I am sure you will stipulate, Mr. Cross, that you were not reading from an oath that this witness had taken.

MR. CROSS: I was reading from a form of the United States Government that was used to Whittaker Chambers, substituting his name, and which I assume was

the right oath, and he said yes. I tried to get his oath, but you recall the State Department man said it was in the archives.

MR. MURPHY: All I wanted was that you were not reading from this man's oath.

MR. CROSS: I was reading from Mr. Chambers' oath, that is a printed form, and substituting his name for Mr. Chambers.

MR. MURPHY: Thank you.

Q. Now, you remember the testimony concerning sitting down with Mr. Chambers in a restaurant on one of the early times when you met him and he ordering from a menu printed in Chinese? A. Yes.

Q. You remember that. You of course don't know whether or not he could in fact speak Chinese? A. No, I don't know that.

[1634] Q. Nor would you know whether the words that came out of his mouth were in fact Chinese? A. I am pretty sure he did not utter any words in Chinese.

Q. Oh, he did not. I had understood that he had ordered the meal in Chinese. A. He read from a Chinese menu, and I don't know whether he spoke to the waiter or just pointed to the item on the menu.

Q. I thought you had told the jury he had ordered the dinner in Chinese? A. No, I didn't mean to say that.

Q. And when you say he pointed, you assumed that he was reading the Chinese characters? A. I assumed it, yes.

Q. You had never heard him speak Chinese? A. Not so far as I can remember.

Q. Had you ever heard him speak any other language, other than English? A. I do seem to recall that he would sometimes throw in a quotation or something in German.

Q. You appreciated the fact that he was a linguist of sorts? A. I had the impression that he was.

Q. And you did not know whether or not this accent that you could not discern was real or feigned? A. It

never occurred to me at the time that it was feigned. I thought it was real.

Q. But you didn't know of course? A. No, I didn't know it.

[1635] Q. You never knew where he did come from?

A. I did not.

Q. And I don't suppose you got a direct answer when you asked? A. I was not tactless enough to ask.

Q. And that was because he was leader of that particular apparatus? A. Well, it was because it was understood that he was operating under a pseudonym and that I was not supposed to know his real name or origins.

Q. All right. Now there has been mentioned here on a number of occasions three names, Mr. Wadleigh, a man by the name of Jones, another man by the name of Lovell and another man today as Pasvolsky. A. Yes.

Q. I take it that you did know those three men in the State Department? A. I did.

Q. I don't know what the inference is, but specifically did you ever receive any State Department papers from them?

A. Yes, I did from Pasvolsky.

Q. And what was the purpose of that? A. Well, my first assignment when I came into the State Department was some material that Darlington and Pasvolsky had been working up on some countervailing duty, I think it was, that the Treasury Department had put on imports from Germany. They had written a very long piece on that.

Q. This was in 1936? A. That was in 1936, and I was asked by Pasvolsky to read it over and give him my comments.

[1636] Q. And did you? A. I did.

Q. Is that the only paper that you received from him? A. At that time before my trip to Turkey. I don't recall any others. There may have been occasionally.

Q. And how about Jones? A. I don't recall receiving any paper from him during that period.

Q. And Mr. Lovell? A. I don't recall receiving any from him.

Q. How would you describe your association with those three men? Was it casual, friendly or intimate?

A. I would say it was casual, and, of course, also friendly. So far as the first two are concerned, Jones and Lovell, they were about on the same level as myself and the relation was definitely a casual and friendly one. Pasvolsky was a much higher rank and he sometimes had me assigned to help him on something like this German document on the countervailing duties on Germany goods.

Q. Can we say with regard to all three, or any of the three, or combination of the three, that you did not take any papers from their desks without being authorized?

A. That is absolutely so.

Q. And the papers that you did receive were in connection with your work? A. They were.

Q. And those papers you did or did not pass out [1637] to anybody else? A. Well, anything that I received in connection with my work I may have passed out.

Q. And going back to 1936, in your dealings with Pasvolsky did you pass out any of those papers?

A. I might have passed out some of that.

Q. And then you say you had some dealings with him after you came back from Turkey?

A. About, oh, I think less than a year, after I came back from Turkey I was assigned to work with him permanently.

Q. But that is in 1939? A. Yes.

Q. How about Jones and Lovell? Did you have much exchange of memoranda there?

A. No, I did not.

[1638] Q. Now, in talking with Chambers on the many times that you talked with him, did he ever mention to you the name of Alger Hiss? A. No, he did not. Not to my recollection.

Q. In no shape or form? A. Not that I can remember.

Q. Did he by word or by other expression indicate that he had other sources in the State Department? A. Yes, that was definitely indicated in a number of ways.

Q. Without mentioning specific names? A. Absolutely, without mentioning names.

Q. Now, you were asked about what you testified on the first trial concerning the documents and you were not read any testimony concerning those; and I am going to read you now some three or four questions and ask you whether or not at the last trial you were not asked these questions and gave these answers, reading from page 1339:

"Q. All right. Now I am going to show you a set of documents, Mr. Wadleigh, and ask you whether or not you ever gave these documents to Whittaker Chambers. I want to first ask you whether you ever typed any documents for anybody? A. No.

"Q. Or whether you ever wrote out any summary of documents in handwriting? A. I might have written a summary of a document in handwriting at some time probably with comments. I don't remember ever writing out a summary [1639] of a document without comments of my own.

"Q. Did you ever give a handwritten document to Mr. Chambers? A. No, only the documents that came to my desk.

"Q. And those documents were original documents which you got the next day? A. Yes, sir.

"Q. Is that right? A. Yes, sir.

"Q. Now, I hand you here photographic enlargements of Government's Exhibits Baltimore, 48, 50, 51, 52, 53, 54, and 55, and ask you to examine those. Take your time, and then tell us whether you ever gave those documents to Whittaker Chambers, or to anyone.

"A. First of all, sir, with regard to these documents on trade agreement with Germany, I find no reason to modify in any way the conclusion I reached last December when I looked over these documents.

"Mr. Stryker: I am not much interested in what he thought about last December, and I object to it.

"The Court: Strike it out.

"Q. Just tell us now, Mr. Wadleigh, whether—

"A. Yes, there is a possibility that I might have handed this—

"Mr. Stryker: I object to that.

"The Court: Let him finish his answer.

"Mr. Stryker: As to what this man said is a [1640] possibility, your Honor,—well, all right. I will withdraw it. Go ahead.

"THE COURT: Finish your answer, and then you may make your motion.

"MR. STRYKER: Very well.

"A. There is a possibility that I may have handed this to Chambers, but I think it is most improbable that I did.

"Q. Will you explain. A. I have no recollection of having seen these particular documents. To the best of my recollection I did not see these particular documents, and I did not work on this German trade agreement at the time when these documents were prepared.

"I did and I do recollect having worked on the problem of trade relations with Germany at an earlier period in 1936, and the documents relating to that particular episode would be familiar to me if they were shown to me now.

"These documents were not familiar to me when I was shown them last December.

"Q. Are they any more familiar to you now?

"A. No, sir."

My question is, were you asked those questions and did you give those answers? A. I did.

Q. Now coming to the story that you wrote for the New York Post which you say was in 12 articles, which appeared in 12 successive evening issues of the New York Post? A. Yes.

[1641] Q. First, we are clear, are we not, that they were published after the trial was over? A. They were.

Q. Too, you were asked to write them by the newspaper?

A. I was.

Q. How much did you receive for all 12? A. I received $600 from the New York Post and I was supposed

to receive $250 for—I think that was the amount—for each newspaper that took the articles in syndication. Actually only two newspapers took them and each newspaper cut them considerably, so that the total amount that I received altogether was only, I think it was, $763. Anyway, it was between 750 and 800.

Q. You have no objection to the jury seeing all of them, do you? A. No, I have no objection whatever.

MR. MURPHY: I will offer the 12 issues of the New York Post containing Mr. Wadleigh's story commencing with the issue of July 14 and ending, I think, on the 26th.

MR. CROSS: If your Honor please, I have referred to certain documents to impeach the witness, or, at least, for that purpose. This entire series commenting on the trial, giving his conclusions, is obviously improper. So I object to the admission of a batch of papers.

THE COURT: The only portions which would be admissible would be those which relate to the matters which you brought out yourself.

[1642] MR. CROSS: I only touched on some three or four.

THE COURT: Yes, quite limited, I think.

MR. CROSS: And, obviously, where he expresses an opinion about the conduct of the trial, the other case, and counsel, and so on, would be improper.

Q. Did you express any opinion about the conduct of the trial or counsel, Mr. Wadleigh? A. I don't recall whether I did.

MR. MURPHY: I will withdraw the offer, your Honor, and propose to read only from those which Mr. Cross read from.

Q. Did you in your article that appeared in the New York Post on the 11th of July, 1949, say this, Mr. Wadleigh:

"I had seen something of Fascism in Italy. I had seen bands of men go out electioneering with clubs. In Germany, in 1929, I had met a few Nazis and some Conservatives who were clearly ripe for Nazism. But far more influential at that time were the Social Democrats, the German

equivalent of the British Labor Party. They were trying to make a living democracy. I had great hopes for them. Now these hopes were disappointed."

And again:

"While these things were going on in the world, [1643] I was working in the Agriculture Department and teaching an evening class in economic theory in the Department's graduate school. I spent much of my time absorbed in fascinating theoretical problems that had nothing to do with German rearmament or the policy of non-intervention in Spain. I felt more and more as if I were poring over blueprints in an upper room of a building already cracked by the first shock of an earthquake.

"Something drastic had to be done, and I felt there was a need for me to help. But what should I do? I had no idea. I was as diffident in making practical decisions as I was confident in handling theories. But of one thing I was convinced. Civilization was menaced by a highly organized and disciplined enemy. The defense must be disciplined and well-coordinated. As far as I could see, the only disciplined group of people in the world offering any vigorous resistance to the growth of Fascism was the Communist movement.

"After much hesitation, I suddenly decided to offer my services to the Communists, and do faithfully whatever task they might assign to me."

[1644] MR. CROSS: I did not read this particularly long portion, and I submit that I did not ask anything about this. I am not going to object; I hope that the long reading will not continue.

MR. MURPHY: Well, your Honor, I do not quite understand—

THE COURT: There is nothing for me to rule upon, Mr. Cross.

MR. MURPHY: I don't think so, no.

Q. (Continuing) You made that statement in your article? A. I did.

Q. Did you in your article published on July 12 say this:

"When I decided to come out of my cocoon and work with the Communists, after the Nazi coup in Germany, naturally Jane was my contact. I made a luncheon appointment and told her of my decision.

"That was sometime in 1935, and probably in the latter half of the year. Jane told me she would get in touch with me later.

"I waited for weeks. I became very impatient and began to wonder whether the Communists were going to accept my offer. If they were going to accept it, I had no idea what they would ask me to do. Then, at long last, Jane called me and made a lunch appointment, [1645] but she still had nothing to tell me. She merely asked me very politely if I would mind supplying a sample of my work.

"'You mean my work at the Department of Agriculture?', I said.

"'Yes', Jane replied quietly.

"I decided to lend her a copy of an analysis I had made of the balance of international payments of the U. S. It was not a classified document, and was based entirely on published data. That they would ask me to supply classified material had not yet occurred to me.

"I selected this particular document largely, I think, because it was one of the few pieces of work assigned to me that had given me a chance to do some real economic analysis, and I took considerable pride in my ability to do that kind of work.

"At the next lunch date, Jane returned my document and asked me:

"'Could you let us have material of that kind on other countries?'

"I thought a moment. 'Yes, I think I might. What countries would you be interested in?'

"'Germany and Japan.'

"I can still picture the searching glance Jane gave [1646] me when she pronounced those words. She was studying my face closely.

"There was a lot of meaning in those three words 'Germany and Japan.' They meant that I was to supply information on the economic position of the two countries

whose governments were threatening to destroy everything decent in the world. That information, obviously, would be sent to Russia for use as background in evaluating the war potential of the two aggressors.

"I felt pleased and proud. There seemed really to be an opportunity for me to do something practical in checking the great menace of Fascism in the world.

"But one thing was not immediately clear to me. They wanted to use me not as an economic analyst, but as a channel for obtaining classified information. I did not then have access to classified information of any consequence and I did not need it in my work, but I did know how to analyze economic data. Then too, the sample of work that I had supplied was economic analysis based on published figures.

"But it soon became clear that what they wanted to use was not my ability as an economist, but my position in the Government. They wanted facts about foreign countries collected by the U. S. and perhaps [1646a] not available or so readily available elsewhere. They wanted to use this Government as a window for spying on other countries."

Was that contained in your article of that date?

A. It was.

[1647] Q. In your article of July 13th did you say, "Except for the now repaired tooth and a considerable gain in weight, Chambers' appearance does not seem to me to have changed perceptibly since the day I first met him some 13 years ago"? And you were talking now 13 years ago, prior to 1949? A. That is correct.

Q. Did you in the story published on July 14th—

MR. CROSS: If your Honor please, I think that there ought to be some correlation to anything read from an article to my cross-examination. Now your Honor has indicated that that is the only reason why it is admissible. I haven't objected thus far. But it seems to me it ought to be related to some question I have asked the witness and be limited to that. But I shall object to reading on unless it is connected up in some way.

MR. MURPHY: I am not too clear that I know what Mr. Cross means by "related to". As I understand the proposition of law, if one side reads part of the document the other side may, for the purpose of completeness and so that the jury may understand what else was in the document, that that side may read the balance or such portions of it as he thinks relates to it.

THE COURT: If it is related. The purpose is to avoid giving us one side of an article.

MR. MURPHY: Yes, sir.

[1648] MR. CROSS: I haven't any objection to that, your Honor; but according to Mr. Murphy, if I read a paragraph from some expert book you could put in the whole book. It has got to be related to the question that is asked. I don't object to that. But there hasn't been any connection so far.

THE COURT: Does this relate, Mr. Murphy, to anything that Mr. Cross read?

MR. MURPHY: I think it relates in this way, your Honor. It is a statement made by the witness which Mr. Cross asked him quite distinctly, whether he approved prior to the time it was published and he extracted certain portions which he thought suited his case. And my purpose is to extract other portions which I think suit the Government's case. In that way they are related since they come from the same instrument.

MR. CROSS: That obviously has no relation, if your Honor please. My purpose as to whether or not he wrote the articles or approved the articles when they were written, was to establish the fact that whatever statements were contained in them had his approval or were his.

THE COURT: You having read, Mr. Cross, certain portions of it I think Mr. Murphy may read other portions which at least indirectly relate to it.

[1649] MR. CROSS: I think there ought to be some relation.

THE COURT: I think so.

MR. CROSS: And so far it does not seem to me to have much relation.

Q. Did you in the issue of July 14th say, "At that, Carl"—and that was Mr. Chambers—"Carl" was Mr. Chambers?

A. Yes.

Q. "At that, Carl had a prankish, boyish sense of humor that might easily have made him talk as if he had traveled in a country just for a lark and for the sheer fun of bluffing. He had a slight accent which made me sure he was a foreigner. At first I thought he might be a Russian, but as I listened to his accent I realized it was definitely not Russian. Having done a little traveling myself and met people of various nationalities, I took some pride in being able to recognize accents. Soon I was tantalized by Carl's elusive peculiarities of speech, and I found myself making all kinds of wild guesses."

Now, later on, "While there could be no doubt as to Carl's complete sincerity as a Communist, at least during the early period of our friendship, his mind was far less rigid than Harold's."

MR. CROSS: If your Honor please, that last—

[1650] THE COURT: I think you are right, Mr. Cross.

MR. CROSS: I haven't opened it, and I think that Mr. Murphy is deliberately going beyond your Honor's instructions.

THE COURT: I don't think that related. It is pretty remote, Mr. Murphy.

MR. MURPHY: Frankly I am at a loss to know what is the measure of the relation. If your Honor suggests, I will just stop reading.

THE COURT: I should not think that was related, or if it is, it is so remotely related as to not make it admissible.

MR. MURPHY: In a capsule form it must in some way relate to the particular subject matter that Mr. Cross read?

THE COURT: So that the jury may have the complete statement of a witness on that particular subject.

Q. Yesterday, Mr. Wadleigh, you were asked this question by Mr. Cross, and he was talking about Mr. Lovell and he just asked you what his first name was and you said Leander. A. Yes.

Q. "Q. Leander Lovell. Did you ever hear Mr. Chambers say that he was openly a Communist in the State Department and that you should not have anything to do with him? A. No. He did not say that to me."

[1651] My question is did you ever hear any phrase like that any place in the world? A. Not at that time a thing like that. It was public knowledge that certain accusations of communism had been made against Lovell. That was all I knew about it.

Q. But you had never heard Chambers say it?

A. Certainly not.

Q. Not to you? A. Certainly not.

Q. And you did not know where Chambers is alleged to have said that, did you—the question that I asked you or that Mr. Cross asked you?

A. I seem to recall having read something about it in the newspapers just in the last few days, and that is all I know about it.

MR. MURPHY: You may examine.

Recross Examination by Mr. Cross:

Q. Mr. Lovell— A. Wadleigh is my name, not Lovell.

Q. I would prefer not to read this excerpt from your article to the jury and I will show it to you and ask you if you will read the part that is indicated in red there, and whether you want to reconsider your statement in answer to Mr. Murphy that you did not comment upon counsel and witnesses in your article?

A. I said that I did not recall comments on the conduct of the trial or the conduct of the attorneys.

[1652] Q. Well, I just want to give you an opportunity to withdraw your answer or change it without having to read that part of your article. A. I don't think that I would regard this first one as a comment.

Q. Let me read it and I will leave it to the jury.
A. Yes, go ahead and read it.

MR. CROSS: Thank you. July 24, 1949:

"After Lloyd Paul Stryker's withering cross-examination of Chambers, my neighbors, and, I gathered, almost the whole public, now regarded the pudgy witness as a demented ogre"—

THE WITNESS: Excuse me. Would you indicate quotations where they appear.

Q. Perhaps you better read it and read the comments into the record. A. "After Lloyd Paul Stryker's withering cross-examination of Chambers, my neighbors, and, I gathered, almost the whole public, now regarded the 'pudgy witness' as a demented ogre. If I were to appear as a witness for the prosecution, would Stryker do the same kind of thing to me? I began to feel that I would prefer not to testify. But if I should have to go on the witness stand, then I would concentrate all my efforts on appearing calm, self-confident and unemotional."

That is one. Do you wish me to read the [1653] other one?

Q. If there is another one that needs to go in.
A. There is another piece marked in red.
Q. Go ahead and read it.
A. "When Stryker rose from his seat to start cross-examination, he seemed to hesitate, and I lost my fear. First he asked me whether I had ever pilfered any documents that did not come to me in the normal course of State Department business. I replied that I had never done anything so foolish. Then he wanted to know my motives for not doing so. Was it due to scruples of conscience? I replied that I had never contemplated doing such a thing and that one can have scruples of conscience only against doing something one contemplates. He had little more to say. My part in the trial was over."
Q. Have you read it all? A. Yes, sir.
Q. Now you testified in answer to a question in redirect by Mr. Murphy that you only took the papers that

came to your desk. A. That came to me in the normal course of business.

Q. But those that came to you from Mr. Pasvolsky you think you may have turned over to Chambers? A. Yes, but that came to me in the normal course of business.

[1654] Q. How about the oral information? Did you only pass on to Chambers—

MR. MURPHY: Your Honor, I submit we are going on to a subject I did not discuss, and I don't know the purpose of it now unless it is merely to extend the examination.

MR. CROSS: This is a question of limiting the question to the papers that came to his office—

MR. MURPHY: I will withdraw it.

Q. Did you pass on every bit of information you could pick up, no matter from what office or where to Chambers if you thought it would be of interest?

A. That is a pretty broad question. If I had any information in my possession that I thought would be of interest I usually passed it on.

Q. And it did not matter from whose office you got it, did it? A. I did not get information from offices. I got information from other documents that other people—

Q. I am not that precise. Suppose you were sitting in a conference in some other office than Trade Agreements and you heard something that you thought Chambers or Carpenter would like, would you pass it on? A. Yes.

Q. Now you told Mr. Murphy that there is some word here you used in the English sense "quite sure", I think, or "quite positive"? A. Yes.

[1655] Q. Was there any other expression that you used here that you used it differently from the usual American way?

A. (Laughing.) Not that I can think of, Mr. Cross.

Q. Well, Mr. Murphy asked the question about this, if you used it in the English sense, and I just want to make sure before you leave the stand that there is no peculiar

English sense that you have used the words, but used them in the ordinary American way.

A. So far as I know I have used words the way they are currently used, and even my use of the word "quite" I think you will find in most American dictionaries.

Q. You were asked whether you had any independent recollection of certain documents having been turned over by you to Chambers. I will ask you whether out of the 400 or 500 documents that you took from the State Department and turned over to Chambers or Wadleigh you can tell his Honor— A. Or Carpenter?

Q. To Carpenter or Chambers—you can tell his Honor and the jury a single one other than the Bullitt cable?

A. No. I don't remember the exact contents of any.

Q. So it is fair to say of the 399 documents that you took out of the State Department, stealthily, and passed to Chambers or Carpenter, or 499, whether 400 or 500, you cannot tell his Honor and the jury a single one of those papers? A. Well, I cannot paraphrase their [1656] contends offhand.

Q. You have not an independent recollection of the content of a single one of those documents, have you?

A. I have a recollection of the general subject matter.

Q. Oh, I know that, but have you any independent recollection of a single document that you could describe?

A. In terms of its general subject matter, yes.

Q. I am talking about specific documents, like the Bullitt cables. A. Well, I mentioned yesterday the monthly economic reports of the Commercial Attache in Germany.

Q. Those are general, but can you name any specific document other than the Bullitt document?

A. Yes, I can name the economic report on Germany from the Commercial Attache in Berlin for July 1936.

Q. Can you name a single cablegram other than the Bullitt cablegrams? A. Offhand I do not have any in mind.

Q. You first saw the FBI on February 6, 1948?

A. December.

Q. December 6th. Now you were aware on that day Mr. Chambers for the first time mentioned you as being an active source? A. I have learned that from the FBI.

Q. And after that disclosure on December 6th the FBI came to your office in Washington? A. Not after the [1657] disclosure. I heard about it first from the FBI when they came to my office.

Q. On December 6th? A. That is correct.

Q. That he had already made the disclosure that day?

A. Well, they did not say that day. But they said that he had named me as one of his sources, or something to that effect.

Q. When you told Mr. Murphy that Mr. Chambers mentioned to you something about having other sources of papers from the Government, will you tell his Honor and the jury what he said? A. Well, let's see—I remember one occasion, one specific occasion—well, I am not sure. Harold used to be talking about other sources in the State Department.

Q. Chambers I am talking about. Tell his Honor and the jury what the conversation was that you referred to when you answered Mr. Murphy that he told you about some other sources. A. Oh, what I said was Chambers had made it abundantly clear he had other sources inside of the State Department.

Q. Now I am asking you to tell his Honor and the jury what Chambers said on that subject to you.

A. He made it abundantly clear by obviously knowing much more about—

Q. No. What did he say? A. I have to make this statement in general terms.

[1658] Q. I don't care how general it is if you will give me the conversation and not some conclusions. Give me the substance of what he said. A. This does not refer to one conversation. It refers to a number of conversations.

Q. Give us the substance of that number. A. I will give you an illustration.

Q. No. Please give the substance of any conversation he had, and if you cannot differentiate give the substance of several conversations. A. Well, one such conversation was one in which he started telling me a lot of details about Charles Darlington, his background and career and all the rest, and I said "How come you know so much about Charlie Darlington?" And he said, "Well, we naturally like to know about a person who is your roommate so we have made inquiries from our friends in the State Department and that is how I got the information."

Then there was another occasion where he informed me that there were certain cables in the Secretary's office that the Secretary had said any official could go and read in his office but they would not go out of his office. That was the first I heard of it. I learned later from inside the State Despartment—

Q. No, what he said. I want you to say what Chambers said. A. Well, either he or Harold—

Q. No. I want Chambers. A. I forget which of the [1659] two it was. One of the two of them told me that about the cables being in the Secretary's office.

Q. Did he ever mention someone in the Bureau of Standards?

A. No.

Q. Someone in some proving field? A. No.

Q. Did he ever mention the name Pigman? A. No, never mentioned it.

Q. You know that since he has publicly announced he got documents from Pigman? A. Oh yes, I have seen that in the papers. He never named any of his sources.

Q. Or Reno. A. He never gave me any names whatsoever.

Q. Or Harry White? A. He never gave me any names whatsoever.

Redirect Examination by Mr. Murphy:

Q. I forgot to ask you, Mr. Wadleigh: who was it that identified for you in this building Carpenter or the man you knew as Harold? A. Alger Hiss.

Q. That was the first time you had seen Carpenter since 1938 or '9? A. 1938—since 1940.

Q. And it was when you were a witness or waiting to be called as a witness in the grand jury room?

A. It was.

Q. And Mr. Hiss identified Carpenter. What did he say? A. He said that was David Carpenter, book review editor of the Daily Worker.

[1660] MR. MURPHY: You may examine.

Recross Examination by Mr. Cross:

Q. The fact is that both you and Mr. Hiss were waiting outside the jury room, weren't you? A. We were both waiting in the room.

Q. And this man went through and Mr. Hiss said "According to the newspaper people that is David Carpenter"; didn't he? A. He did not say "According to the newspaper people." However, I will volunteer this for you, Mr. Cross. He did walk out of the room after Carpenter left the room and when he came back to the room he said simply "That is David Carpenter."

Q. And he did not say that some newspaper person had told him that? A. He did not say that some newspaper person had told him that but it may be that some newspaper person did.

Q. By the way, I meant to ask you, you mentioned Mr. Raymond Wise as your New York attorney? A. I did.

Q. He has been in court here yesterday and today? A. He has.

MR. CROSS: That is all.

MR. MURPHY: All right, thank you, Mr. Wadleigh.

(Witness excused.)

[1661] FELIX INSLERMAN, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Inslerman, you are, I think, an electrical engineer by profession, are you? A. That is correct.

Q. You will have to keep your voice up louder because the jurors back here won't be able to hear you. You said you were? A. Yes.

Q. And you have a degree from Johns Hopkins?

A. That is correct.

MR. CROSS: I can't hear him.

Q. You will have to try and keep your voice high. Perhaps if you will sit back further in the chair and be more comfortable.

What degree have you got from Johns Hopkins?

A. B. S.

Q. And when did you graduate? A. 1939.

Q. And where are you now employed? A. Rennslaer Valve Company, Troy, New York.

Q. And you live in Cohoes? A. I live in Cambridge.

Q. Cambridge?

THE COURT: Could you speak a little louder?

THE WITNESS: I will try, sir.

Q. All right. I show you a camera, Mr. Inslerman, and [1662] ask you whether that is your camera? A. It looks like mine, sir.

Q. Well, would it help to have you be rather completely sure of it if you knew the number, and so forth?

A. If I knew the number, yes, I could identify it.

Q. Do you remember registering the camera at any place? A. Yes, sir.

Q. If I told you that there was a camera registered in your name with the number 234730, would that help you to be a little more definite? A. Yes, I would say this is my camera then.

Q. That is your camera? A. Yes.

Q. That is what make of camera? A. A Leica camera.

Q. A Leica? A. Yes.

Q. And do you remember when it was that you bought it?

A. As best I can recollect it was in the middle of 1937.

Q. In what city? A. Washington.

Q. And you have had it ever since? A. Yes, sir.

Q. Do you remember whether you bought it at the Capitol Camera Exchange? A. I believe that is it, yes, sir.

Q. Did you yourself buy it? A. Yes, my wife and I bought it.

Q. Your wife and you bought it? A. That is right.

Q. Where were you working at that time?

A. I believe it was the Bohn Refrigerator Company.

[1663] Q. Bohn Refrigerator? A. Yes, sir.

Q. Where was that? A. In Baltimore, Maryland.

Q. Do you remember where you were living in Baltimore, Maryland? A. At that time I think it was Callow Avenue.

Q. C-a-l-l-o-w? A. That is correct.

Q. Might I suggest the number 2113? Would that be it?

A. I really would not remember.

Q. However, it was Callow Avenue, and the city was Baltimore? A. That is right.

Q. All right. Now during that year did you ever meet a man that you now have been told that his name is Whittaker Chambers? A. I refuse to answer that question on the ground that it may tend to incriminate or degrade me.

Q. Well, did you during the year 1937 with that camera ever photograph paper documents? A. I refuse to answer that question on the same grounds.

Q. On the same grounds? A. Yes, sir.

Q. Would you tell this Court and jury where you got the money to buy the camera? A. From earnings and savings.

Q. Did you withdraw the money out of any particular bank? A. I do not recall.

Q. Do you know how much you were making at the time you bought the camera? A. Yes.

Q. How much were you making? A. I think it was [1664] twenty-five a week.

Q. $25? A. Yes.

Q. And did you tell us the camera was a couple of hundred? A. Yes—

Q. Or did you tell us how much it was? A. I don't remember if I told you how much it was.

Q. Well, would two or three hundred be a fair price?

A. I think it was 240, I am not sure.

Q. Just out of curiosity, the name Inslerman, that is an Estonian name, is it? A. Well, my nationality is Estonian.

Q. Estonian? A. Yes.

Q. Do you care to tell us how you registered when you voted in 1932 or 1933? A. I would not be able to recall, sir.

Q. Well, is there some paper that I can show you that might refresh your recollection?

A. I do not know, sir.

Q. Well, haven't you been up to the Board of Elections yourself very lately? A. Yes, sir.

Q. And on your trip there did that tend to refresh your recollection? A. Yes, sir.

Q. Well now, having had your recollection refreshed my question is, do you care to tell us?

A. I would rather see the paper, sir.

[1665] Q. I show you this photostat of what appears to be two large pages and call your attention to number 305, that line there. A. (Examining paper.)

Q. Does that help, Mr. Inslerman? A. Yes.

Q. And do you wish to tell us? A. What was your question, sir?

Q. Would you wish to tell us how you registered back in 1933 and 1934? A. That was only for 1933, I believe.

Q. Yes. For 1933 would you wish to tell us?

A. It says Communist.

Q. Well, does that tend to refresh your recollection?

A. In what way?

Q. That you did in fact register that way.

A. I have no recollection of it, sir.

MR. MURPHY: All right, you may examine.

MR. CROSS: No questions.

MR. MURPHY: No questions, you are excused.

(Witness excused.)

[1666] MR. MURPHY: Your Honor, while we are waiting for the other witness, I offer the camera and ask that it be marked as a physical exhibit.

MR. CROSS: If your Honor please, I haven't objected to any of this testimony. It is utterly irrelevant to anything in the case. There is no suggestion whatever that Mr. Hiss—as a matter of fact, Mr. Hiss and this man never saw each other.

MR. MURPHY: That I think should have been developed by questioning instead of by a statement.

MR. CROSS: There is no evidence whatever as to any connection whatever. Now, the indictment has to do with passing papers. And what Chambers or Wadleigh or someone else did with the papers, about photographing them or giving them to someone else, is utterly immaterial to the indictment, and we object to testimony further along this line.

THE COURT: What do you mean by "testimony further"? Merely relating to the—

MR. CROSS: Well, the introduction of this camera—it hasn't anything to do with the case, with the indictment.

MR. MURPHY: I propose to connect it up.

THE COURT: It will be taken subject to a motion to strike out if not connected.

[1667] MR. CROSS: Connected with the defendant, if your Honor please.

THE COURT: I beg your pardon?

MR. CROSS: Connected with the defendant.

THE COURT: Yes, that is what it means.

MR. CROSS: Yes.

MR. MURPHY: Or connected with the evidence against the defendant.

MR. CROSS: Oh no. Connected with the defendant. That the defendant had some knowledge of this, or this man.

THE COURT: It is to be Exhibit No.—

THE CLERK: 51, Government's exhibit.

(Marked Government's Exhibit 51.)

[1668] HEDE MASSING, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mrs. Massing, where were you born? A. I was born in Vienna, Austria.

Q. And are you an American citizen? A. I am.

Q. And when did you become a citizen? A. I became an American citizen in December 1927.

Q. Your husband is an American citizen, is he?

A. No, he is not.

Q. When was the first time that you came to the United States? A. I believe it was in 1903 or 1904; I don't remember exactly. My father's first papers read 1905.

Q. And did you stay very long? A. Until 1907.

Q. And when did you come back again? A. In 1926.

Q. So that in the intervening years—you spent those in Europe? A. Yes.

Q. What languages do you speak? A. English and German.

Q. Any Russian? A. No. Well, yes, a little bit, not very much.

Q. Was there a time at all in your life when you did work for the Communist Party? A. Yes, I did.

Q. Commencing when? A. I worked for the Communist Party really in this country mostly, if you call it work. [1669] I was affiliated with the Party before that.

Q. You were affiliated where? A. Well, when I was quite young, say from about 1919 on.

Q. In Berlin? A. No, in Vienna.

Q. Were you ever to Moscow? A. Yes, I was in Moscow. I lived in Moscow.

Q. You say you came here in 1927. And did you do any work for the Communist Party in this country? A. Not in 1927. I came here in 1926, Mr. Murphy.

Q. I am sorry. When for the first time did you do any work for the Communist Party? A. In 1933, the end of 1933.

Q. What, generally, was the work, the type of work that you did? A. When I came in 1933 I belonged to an apparatus. It is an organization that is connected with the Communist Party if you want to say—call it that. It is really—it was a Russian apparatus in which I worked.

Q. Where did you work; principally, what cities?

A. I lived in New York and I worked in Washington; I worked partly in New York and partly in Washington.

Q. Well, did there ever come a time when you met the defendant Alger Hiss? A. Yes, there was.

Q. What year was that? A. I should say it was either in the late summer or the early fall of 1935.

Q. And do you remember where it was that you met him?

A. Yes, I remember that exactly. It was in the house [1670] of Noel Field.

Q. In what city was that? A. In Washington, D. C.

Q. Do you remember where the house was? A. I remember the house very distinctly. I don't know the exact address. I think it was on 4th Street. It is on a square. It is a row of red brick houses. It was in about the middle of the block.

Q. Who was Noel Field at that time? A. Noel Field at that time was in the State Department. I believe he was in what was called the Western European Division.

Q. And you say that you met Mr. Hiss at the Field house?

A. Yes, I did.

Q. What was the occasion? A. Well, I would have to elaborate a little bit so that—

MR. CROSS: If your Honor please, on the matter of the occasion—the conversation should be given, not the occasion. That is purely a conclusion as to what she might

think the occasion was and what someone else might think. So I object to anything except conversation.

THE COURT: I sustain the objection, Mr. Cross.

Q. Would you tell us who was present—perhaps we will do it that way—when you met Mr. Hiss? A. I don't remember exactly who was present except Mr. and Mrs. Field, Mr. Hiss and myself.

Q. And that is Mr. and Mrs. Noel Field? A. Mr. and Mrs. [1671] Noel Field, the first name of Mrs. Field being Hertha.

Q. And that was in the daytime, evening time, lunch time? A. It was in the evening.

Q. In the evening? A. It was in the evening.

Q. How long had you known Noel Field prior to this meeting? A. I had known him for quite some time. I think that I met the Fields either the beginning of '34, the beginning of '34, the very beginning of '34 or towards spring. I couldn't say exactly. But I have known them very intimately.

Q. As a matter of fact, you subsequently owned property jointly with his mother? A. With his mother, yes.

Q. By the way, your husband while in Germany was in a concentration camp? A. That is right.

Q. And when did he come out of the concentration camp?

A. He came out the beginning of '34. As a matter of fact, he came to this country in January '34. May I say that he wrote a book on his experiences in the concentration camp.

MR. CROSS: I don't think that we are interested in whichever husband this was.

MR. MURPHY: Now that, I take it, was uncalled for, and I propose that Mr. Cross—

MR. CROSS: I object to any—

THE COURT: I think the question was rather [1672] unfortunate—your statement, Mr. Cross.

MR. CROSS: If there is any question, I will apologize. I shall bring out the matter later.

THE COURT: You don't need to apologize to me.

MR. CROSS: I shall object to any testimony about activities—

THE COURT: If you haven't opened the door to it.

MR. CROSS: Well, if he wants to ask about previous husbands—

MR. MURPHY: I won't press it.

Q. You said your husband wrote a book? A. That is my husband Paul Massing, to whom I have been married for 18 years. It is my third husband, to make that quite clear, and not my seventh or eight, as Mr. Cross seems to think. It is my third husband and the husband I have been with for 18 years.

Q. Who was your first husband? A. Gerhard Eisler.

Q. And did you subsequently divorce him? A. Yes, I did.

Q. When was that? A. In 1924, I think.

Q. In Germany or Austria? A. In Germany.

Q. Your second husband's name is? A. Mr. Julian Gumperz.

Q. And you divorced Mr. Gumperz? A. In 1932, in Berlin.

Q. You are married to your present husband 18 years?

[1673] A. Yes.

Q. And he is a professor, is he? A. At Rutgers University. And he has just finished writing a book.

Q. What does he teach at Rutgers? A. Sociology and anthropology.

Q. Now, we were talking about an evening meeting in the apartment of Mr. and Mrs. Noel Field on 4th Street in the City of Washington, I think you said in 1935. A. Yes.

Q. Would you tell us, please, the conversation, if any, that you had with Mr. Hiss or with others in his presence, other than the casual dinner conversation, if it was dinner?

A. In order to tell you about the conversation with Mr. Hiss I must tell you what my relationship to Mr. Field was.

MR. CROSS: I object to that.

(To witness) Please. Please.

THE COURT: I beg your pardon, Mr. Cross, I couldn't hear you.

MR. CROSS: I object to this preliminary statement. The question was what the conversation was.

THE COURT: Yes. The answer should be to that question.

MR. MURPHY: Yes, I think so, your Honor. May I ask the witness to state generally, without describing the conversation, what her relationship to Noel Field was, so that the conversation she is about to describe will be [1674] intelligible?

Q. Will you please tell us in summary fashion what your relationship with Noel Field was? A. All right, I shall make that very short, if possible.

MR. CROSS: Your Honor, what her relation with Mr. Noel Field was hasn't anything to do with the defendant. He was not present, I submit—

THE COURT: I think you are right, Mr. Cross. Objection sustained.

Q. All right. Tell us the conversation without telling us, please, what your prior relation or experiences were with Noel Field? A. All right.

MR. CROSS: Well, that I object to, as to what her prior relationship with Noel Field was. It hasn't anything to do with the defendant.

THE COURT: I thought, if I heard the question properly, that Mr. Murphy asked the witness to eliminate that part of it.

MR. CROSS: I am sorry.

THE COURT: Perhaps I did not hear—

MR. MURPHY: You heard it quite correctly, your Honor.

Q. Excluding that, if you will, Mrs. Massing.

A. I shall try. I am not versed in such matters. I shall try to give the conversation without saying who Mr. Field was. I spoke to Mr. Hiss about the fact that I was [1675] trying—

MR. CROSS: I think this ought to be the substance. I mean, I am not objecting to giving the substance, but I think it was to be as nearly as possible the substance of the conversation, not conclusions.

THE COURT: That is quite right.

Q. Just your best recollection of the conversation had 14 years ago, please. A. I spoke to Mr. Hiss about the fact that he was—

MR. CROSS: I object. Those are the exact words she used before.

MR. MURPHY: Your Honor, I submit that is quite responsive.

THE COURT: Mrs. Massing—

THE WITNESS: Your Honor, I don't quite know what it is—

THE COURT: Sometimes I do not, but if you will try and tell us the best you can the substance of what was said by you and Mr. Hiss and others in his presence.

A. (Continuing) I said to Mr. Hiss, "I understand that you are trying to get Noel Field away from my organization into yours," and he said, "So you are this famous girl that is trying to get Noel Field away from me," and I said, "Yes". And he said, as far as I remember, "Well, we will see who is going to win", at which point I said, "Well, Mr. Hiss,"— [1676] I did not say, "Mr. Hiss"—"Well, you realize that you are competing with a woman," at which either he or I said, the gist of the sentence was, "Whoever is going to win we are working for the same boss."

Now, as I say, I don't remember whether he or whether I said that, but this sentence I remember distinctly because it was very important.

Q. And did you ever see Mr. Hiss after that? A. I did not, never.

Q. Did you follow his career in the papers? A. I indeed did.

Q. Now, did there come a time when you saw Mr. Hiss in this building? A. Yes, I did.

Q. On how many occasions? A. Just once, and it was when I asked to see him.

Q. You don't know whether he saw you prior to that, do you? A. Yes, he did see me prior to that, and he just looked at me, and it was the very reason that I felt that I wanted to talk to him.

Q. In other words, you know that an arrangement was made so that Mr. Hiss could look at you? A. Yes.

Q. And that was done up in the FBI office? A. Yes.

Q. And then after that was done you expressed a desire to talk to him? A. Yes.

Q. And another meeting was arranged? A. Yes.

[1677] Q. How much time elapsed between those two? A. I could not tell you exactly, probably a few weeks. I am not certain.

Q. Do you remember when it was, Mrs. Massing—I mean in relation to this date? This is December 1949. A. I should say it was probably about a year ago, probably.

Q. In this building upstairs or downstairs in the FBI office? A. I think it was upstairs.

Q. And who was present at the second meeting, or second— A. Mr. Hiss and one of his lawyers, I believe Mr. McLean or McLane, I don't know how the name is pronounced, and one of the FBI agents. His name was Mr. Ward.

Q. And you talked with him at that time? A. I talked to Mr. Hiss.

Q. What did you say? A. I first tried to make him remember this meeting—

MR. CROSS: Now I think she ought to say what she said.

Q. Can you recall what you said there, the exact words, if you can, and if you can't, the substance of what you said and he said? A. I said a great many things. It will take a long time.

Q. All right. A. I told Mr. Hiss my own story which is a long and involved one. I did this because I hoped it would help him to remember me.

[1678] MR. CROSS: If your Honor please, I think this is entirely improper, as to her reasons for telling something. I don't object to the testimony as to what was said because there were other people present, and I would like to get what was said, but her reasons are utterly immaterial.

Q. Have you ever testified in court before, Mrs. Massing? A. No, it is my first experience. I am afraid I do badly.

Q. There are certain rules and it is hard to understand sometimes, but can you think what was said and then tell us the substance of it without trying to give the reason for saying it? A. I will try. I said to Mr. Hiss that I was Hede Massing and that he might have known me under the name Hede Gumperz or know me simply as Hede and I had met him at Noel Field's house, and the purpose of the meeting was to discuss with him the possibility of my soliciting Noel Field into my apparatus. I told him who I was. I told him that I had asked to speak to him.

[1679] Q. What did he say? A. He was very friendly and he did not remember me, he said, and he thanked me politely for having tried to help him remember me.

Q. Have you changed much in your physical appearance since 1935? A. I think I have considerably, yes.

Q. The color of your hair? A. No. I gained weight.

Q. Glasses? A. Yes, I wear glasses now and I did not wear them then.

Q. You have had no operations on your face at all?
A. No.

MR. MURPHY: You may examine.

Cross Examination by Mr. Cross:

Q. Mrs. Massing, as I understand it, you came over here in 1926? A. You mean the first time?

Q. No, after your first time, I think you said 1903 to 1907, and then you came back in 1926? A. Right.

Q. You had in the meantime been married to Mr. Gerhard Eisler? A. Yes.

Q. And when was that? A. I was married to him in 1919.

Q. In Vienna? A. In Vienna.

Q. You were an actress there at the time? A. Yes.

Q. How many years were you married to him?

A. I was married legally to him three years.

Q. Well, I meant legally. A. Three years.

[1680] Q. Then you were married to Mr. Gumperz? A. Yes.

Q. His first name was— A. Julian.

Q. Julian Gumperz? A. Yes.

Q. And when was that? A. In 1926.

Q. In 1926? A. Yes.

Q. Before or after you came to this country?

A. Before I came to this country.

Q. And then you acquired American citizenship in 1927? A. That is right.

Q. Before that you had been a Communist? A. I had not been a member of the Communist Party.

Q. But you had been a sympathizer of the Communists? A. Yes.

Q. And believed in their principles? A. To a certain extent, yes.

Q. Did you believe in their principles that the Government of the United States should be overthrown by force at the proper time? A. No, I did not believe in that.

Q. Did you believe in their attitude toward the church and the family? A. No, I did not believe in that.

Q. Now, when you became naturalized did you take an oath to support the Constitution of the United States?

A. I did.

Q. When was that? A. In 1927. December 1927.

[1681] Q. And where was that? A. In White Plains.

Q. And how soon after that did you start working in the Communist Party in this country? A. This was 1927. I started working in 1934, the beginning of 1934. That is seven years.

Q. And how many times have you been back to Europe since 1926? A. I came back in 1933, as I said, and since then I have been back quite often.

Q. Quite often? A. Quite often, until 1937.

Q. You came over in 1926; you became a citizen in 1927, is that right? A. Right.

Q. And then you left the United States when?

A. 1928.

Q. And where did you go then? A. To Berlin—to Frankfurt-am-Main and later to Berlin, Germany.

Q. And how long were you abroad? A. Until 1933.

Q. And then you returned, and how many times have you been back since? A. Between 1934 and 1937 I have been probably—I am not certain—been about ten times in Europe.

Q. Now, have you got your passport or passports that would show those trips? A. No, I have not, but I guess the Passport Division has them.

Q. Well, we do not have them here, but do you mean you don't have any? A. No, I do not.

[1682] Q. Under what name did you travel? A. Under my own name Hede Gumperz at that time.

Q. And you think you went during this three-year period how many times? A. Probably ten times. I am not certain.

Q. How long did you stay over there? A. A very short while generally, between two weeks and at times six weeks.

Q. And when you returned to this country you had to take some oath that you had not been engaged in communistic activities, didn't you? A. I did not have to take an oath.

Q. At the Port of Embarkation didn't you sign a paper that you had not been engaged in any communistic activities?

A. I don't think so. I don't think that you sign such papers when you come back from a trip as an American. At least, I don't remember it, Mr. Cross.

Q. Now, your present husband filed a petition—you are not living with your present husband, are you?

A. No, I am not.

Q. He at some time filed a petition for citizenship, didn't he? A. Yes.

Q. When was that? A. I don't remember. I don't exactly know.

Q. Was that in Philadelphia? A. Yes.

Q. And that was denied? A. I think so.

MR. MURPHY: I object to that, your Honor. What her husband's petition resulted in, I do not see how [1683] that is relevant with this witness, assuming it is made for the purpose of attacking this person's credibility. Maybe Mr. Cross has some other purpose.

MR. CROSS: I am coming to the question about testifying.

Q. Did you testify in that case?

MR. MURPHY: Whether or not she testified I do not see how the action on her husband's petition can in the slightest be relevant.

THE COURT: Mr. Murphy, I take it that was a preliminary question and should be allowed.

MR. CROSS: Mr. Murphy asked the question whether she had ever testified before—

MR. MURPHY: In court.

MR. CROSS: —and my question was whether she testified in that case.

THE WITNESS: I am certain I did.

Q. What? A. I think I did.

Q. And you were asked about your communistic activities at the time, weren't you? A. I suppose so, I don't remember.

Q. And what did you tell them your communistic activities had been? A. The truth.

Q. Well, what did you tell them? A. Well, I don't remember what I told them, but I told them the truth. I told them what the activity has been.

[1684] Q. Well, please tell his Honor and the jury what you told in your husband's petition for American citizenship your activities has been in the Communist Party.

MR. MURPHY: Your Honor, I submit that there is not any room in the husband's petition for what this lady's activities were. Perhaps if Mr. Cross means in the oral testimony, as distinguished from the petition; but the petition is limited solely to the applicant.

MR. CROSS: Well, the hearing on the qualifications of the man includes the investigation of people.

Q. You were investigated—I mean interrogated and questioned during that proceeding, weren't you?

A. I really don't remember. I probably was.

Q. And you were asked what your communistic activities in the United States had been since you had become a citizen and taken an oath as an American citizen, weren't you? A. I don't remember whether I had been asked that.

MR. CROSS: Now, may we have, Mr. Murphy, the papers that were summoned from the Immigration Department with regard to Mrs. Massing?

MR. MURPHY: Well, here we are again, your Honor, at that very point. I have the papers that the Immigration Office has forwarded here pursuant to a subpoena served by Mr. Cross. As I understand it, they are to be given to your Honor, and if it is developed as a result of [1685] an examination of this witness that she has made prior inconsistent statements, then the jury should be quickly informed. But I submit that Mr. Cross is not permitted to examine them merely for the purpose of ascertaining what questions were asked. I think he should first develop whether or not the witness has made prior inconsistent statements under oath, and, accordingly, I have the file, if your Honor wants to look at it.

MR. CROSS: I understand that where we have summoned papers that contain statements that may impeach a witness, if they do, that we are entitled to see them, and that the rule suggested by Mr. Murphy—

THE COURT: I think you are right if you will substitute the words "inconsistent statement" with "impeach."

MR. CROSS: I am using it in the legal sense, if your Honor please.

THE COURT: I should look it over. That is the proper procedure. I should look it over first.

MR. CROSS: I thought that did not apply except with respect to the grand jury minutes, if your Honor please, and it has been extended to the FBI. That is my understanding of the law. However, I will proceed and not take the time to argue the point here, but I certainly—

THE COURT: I think it is quite likely that you will be allowed to see them all, but I think for the [1686] protection of all concerned I should see them first.

MR. CROSS: I don't question that.

THE COURT: I am thinking of the Government, the Department rules, and that is all. I don't think there will be any difficulty. I shall see them and probably let you examine them.

BY MR. CROSS:

Q. Now, when you testified in your husband's petition for naturalization what did you tell them your activities in the Communist Party had been? A. I don't remember, Mr. Cross, what I told them.

Q. When was it you testified? A. I don't remember that.

THE COURT: I might be looking those over now to save some time.

Q. Now, it was some time after 1941, wasn't it? A. I believe so, yes.

Q. By the way, you have written a book, haven't you?
A. No, I have not.

Q. Has someone written a book for you? A. No, nobody has written a book for me, Mr. Cross. My husband has written a book. You mistake that. He has just finished one.

Q. Well, don't characterize whether I am mistaken or not. A. I am sorry.

[1687] Q. Do you know Mr. Eugene Lyons? A. Indeed I do.

Q. On September 19, 1949, were you in his apartment?

A. I would not know.

Q. Well, have you been in his apartment within the last three or four months? A. Oh, I have been in his apartment very often.

Q. Has he been writing something for you? A. No.

Q. Did you have some talk on that occasion or some occasion about what you were going to testify to in the Alger Hiss case, and that you were going to see that he was convicted?

MR. MURPHY: Oh, I object now, your Honor, unless Mr. Cross proposes to come forward with proof; and I am going to ask him, one, not as a lawyer, but as a gentleman, to withdraw that statement. If he does say he is going to come forward with that proof I will withdraw it, but I think it is highly improper, not lawyer like, immaterial and irrelevant; but, as I say, I will withdraw the objection if Mr. Cross tells your Honor and the jury that he will come forward with such proof.

MR. CROSS: Well, I will tell your Honor and the jury that I have been told—

MR. MURPHY: No, no, not what he has been told; that he will come forward with testimony on that chair.

MR. CROSS: —and he will take that chair if it [1688] has to be under subpoena.

BY MR. CROSS:

Q. Was there a Mr. Henrikas Rabinavicius at some meeting you had in Mr. Eugene Lyons' apartment?

A. I never heard of that name.

Q. You have not? A. No.

Q. Did you ever hear of Mrs. Freda Utley? A. Yes.

Q. Mr. Fred Woltman of the World-Telegram? A. I read the Telegram, yes.

Q. Well, have you met him? A. No.

Q. Mrs. Irene Kuhn? A. I have met her at Mr. Lyons' house.

Q. Mr. and Mrs. William H. Chamberlain? A. Yes. I know them from Moscow.

Q. Now, was there someone with Mr. and Mrs. Chamberlain at some meeting there at Mr. Lyons' apartment?

A. Why, there was a party at Mr. Lyons' apartment at which the Chamberlains were. They had just come back from Europe. There were many other people.

Q. And do you remember meeting an individual by the name of Mr. Henrikas Rabinavicius? A. No, I don't.

MR. MURPHY: May I ask Mr. Cross to state what the purpose of this line of interrogation is, your Honor? I don't follow it at all.

MR. CROSS: Well, I certainly have a right [1689] to ask the witness whether or not she is writing a book and what she said in the presence of other people.

MR. MURPHY: Well, yes, I have no objection to you asking what she said; but to ask the witness whether she knows certain people who attended a party, I don't quite understand the relevancy of it.

MR. CROSS: Well, I am trying to fix the time.

Q. Do you remember a party at Mr. Eugene Lyons' apartment recently within the last two or three months? A. Yes.

Q. And who all were there that you recall?

A. Well, I was at several parties, Mr. Cross. I would not remember who all was there. I mean, I could try if you give me time. There were many people. Mr. Lyons has a great social life and meets many people and is an old friend of mine.

Q. Is he in court today? A. Yes, he is right there (indicating).

Q. At one point were you describing or did you describe what is supposed to have taken place when you met Mr. Hiss, and then you turned to Mr. Lyons and said, "What happened next?" and he said, "You ought to know better than I"?

A. Well, that, I don't remember that exactly. I probably told of some of my relationship to Mr. Hiss, I don't remember [1690] that exactly. If I turned to Mr. Lyons it was certainly in a manner of a joke.

Q. And you did not say at that party that Mr. Lyons had written a book for you, and you were waiting until after the trial to bring it out? A. I could not have said at this party because it is not so; but if you give me a chance to say that I probably might write a book after the trial is over, I would gladly tell you so.

Q. Well, you did not say that on September 19th at Mr. Lyons' apartment, though?

A. I don't remember it, Mr. Cross.

Q. Now, do you remember—

THE COURT: Mr. Cross, I think we might have our recess now. In the meantime, Mr. Cross, will you and Mr. Murphy step up.

(Short recess.)

[1691] (The following occurred in the absence of the jury during short recess):

MR. CROSS: I make a motion that the testimony of Mrs. Massing with reference to any talks that she had with the defendant be stricken as being incompetent, irrelevant and immaterial.

THE COURT: Do you wish to say anything?

MR. MURPHY: Your Honor, I think it is quite material. It shows a definite association with fellow Communists and it has a large probative effect intending to prove the allegations made throughout the trial and I think therefore it is both relevant and material and, of course, competent.

MR. CROSS: There is nothing about Communism in anything that she said.

THE COURT: Well, this man Field was known to be working in the interest of Communism, was he not?

MR. MURPHY: Noel Field was mentioned by Mr. Chambers in his memorandum in the Berle report.

MR. CROSS: That does not involve the defendant.

THE COURT: I shall deny the motion. I think for one thing it might indicate an inference of motive here.

MR. MURPHY: Yes, and of association too, your Honor.

[1692] THE COURT: That is what I mean by motive.

MR. CROSS: I take it under the rules I do not have to save any exception.

THE COURT: You do not, but let us put an exception on the record so you will be fully protected.

(Conference in chambers not reported.)

(The jury returned.)

THE COURT: Mr. Cross, I understand you have now received such papers from the files of the Immigration Department as you desire?

MR. CROSS: That is true, your Honor.

BY MR. CROSS:

Q. Mrs. Massing, do you recall testifying in September 1942—if you don't recall the month at least about 1942—in Philadelphia with reference to your husband's application for naturalization? A. Well, I do not recall the exact testimony. I believe that I recall that I went to Philadelphia to testify on behalf of my husband.

Q. Now my question is, do you recall any of your testimony given in September 1942? A. No.

Q. You do not recall any of the questions with reference to your marriage or with reference to any political beliefs or affiliations? A. Well, Mr. Cross, I do not specifically what I was asked at this testimony. I can assume what the questions could have been. I don't recall them.

[1693] Q. I don't want any assumption. I just wanted to see what your memory was with reference to it. If you have not any memory I won't press it further. A. I have a bad memory.

Q. I beg your pardon? A. I have a bad memory.

Q. This was 1942? A. Yes.

Q. Now I show you your petition for citizenship and ask you if that is your signature (handing)? A. Yes, it is.

MR. CROSS: Is there any objection to marking this and substituting a photostatic copy?

MR. MURPHY: I don't know what the rules are but I suggest you have it marked and I will have it photostated.

MR. CROSS: Then may we substitute a photostat and have it marked later as Defendant's Exhibit HHH, the petition signed Hedwig—

THE WITNESS: H-e-d-w-i-g Gumperz.

(To be marked Defendant's Exhibit HHH.)

MR. CROSS: Ladies and gentlemen of the jury, this is on the form of the United States Department of Labor. Petition for naturalization to the Honorable The Supreme Court of the County of Westchester at White Plains, New York. The petition of Hedwig Gumperz (reading).

[1694] Signed by Julian Gumperz and—I am not sure of the name.

Q. Can you tell me (handing to witness)? A. No, I can't read it myself. Arthur Govishoff. I remember now. It is a relative of Mr. Gumperz.

MR. CROSS: Next I offer as—would you prefer not to have this marked?

MR. MURPHY: It doesn't matter. You can mark it and I will substitute a photostat.

MR. CROSS: It is III, a statement on the letterhead of the Department of State, February 19, 1942.

THE COURT: February 9th?

MR. CROSS: February 19, 1942, your Honor.

MR. MURPHY: Your Honor, I don't know whether it should be marked in evidence.

MR. CROSS: Well, I thought I asked you whether to mark it. I thought you said—

MR. MURPHY: Well, it is merely a memorandum from the Secretary of State to the Attorney General. I have no objection to Mr. Cross reading from it, but I don't know why it should be an exhibit in the case.

MR. CROSS: Well, let me see if I can't elicit from the witness information with regard to it, and perhaps it may obviate the necessity of marking it.

MR. MURPHY: Yes.

[1695] THE COURT: Mr. Cross, I take it that that will require some little time. It is now a little after 4:30.

MR. CROSS: I think we should not ask the jury—

THE COURT: It will take some time, will it not?

MR. CROSS: Well, we shouldn't run over. Yes. It would run over if I asked the question. Now, just so—

MR. MURPHY: Well, I will withdraw my objection, let it be marked and see what happens.

(Marked Defendant's Exhibit III.)

THE COURT: Well, we will now adjourn until Monday morning at half-past ten.

(Adjourned to December 12, 1949, at 10:30 a. m.)

[1696] New York, December 12, 1949; 10:30 o'clock a. m.
Trial resumed.

HEDE MASSING, resumed.

MR. CROSS: Ladies and gentlemen of the jury, Defendant's Exhibit III which was marked Friday afternoon, is dated February 19, 1942:

"The Secretary of State presents his compliments to the Honorable The Attorney General and refers to his department's communication of January 28, 1942"

(reading exhibit to jury).

Cross Examination continued by Mr. Cross:

Q. Mrs. Massing, this contains your signature, does it not (handing paper to witness)? A. Yes.

MR. CROSS: I offer as Defendant's Exhibit JJJ a memorandum entitled "Report of Investigation in the Case of Hedwig Massing Conducted by Acting United States

Naturalization Examiner in Philadelphia on September 3, 1942."

MR. MURPHY: Your Honor, I have no objection to the exhibit as such. It relates primarily to this lady's husband. Can we confine it to questions relating to something that Mr. Cross thinks might affect this witness's [1697] credibility? A great many of the questions relate to nothing we are concerned with.

MR. CROSS: I think most of them relate to the witness—

MR. MURPHY: I withdraw the objection, your Honor.

MR. CROSS: But so far as I can, without affecting the sense of the memorandum—

THE COURT: The objection has been withdrawn.

MR. CROSS: I was going to suggest I would be glad to try to eliminate any question relating solely to the husband.

THE COURT: I think that is for you to decide.

MR. CROSS: We generally read the whole exhibit and I did not want to take the responsibility of saying it does not have something to do with the case.

(Marked Defendant's Exhibit JJJ.)

MR. CROSS: Ladies and gentlemen of the jury, this is a carbon copy but signed (reading Defendant's Exhibit JJJ to the jury down to "I read your husband's book 'Fatherland'" etc.).

Now the rest—

MR. MURPHY: I insist you read the rest.

MR. CROSS: I thought this was what you objected to.

[1698] MR. MURPHY: You said you wanted the whole exhibit in evidence. You read it or I will read it.

(Mr. Cross continued reading remainder of Defendant's Exhibit JJJ to the jury.)

MR. CROSS: Now may I have the report to which reference is made there?

MR. MURPHY: We have examined the file, your Honor, that I produced the other day and, at Mr. Cross's

request, looked for the report but we have been unable to find any such report.

MR. CROSS: Would that be in the application for the husband, because the examiner there—

MR. MURPHY: We have examined both files.

Q. The other day, Mrs. Massing, you testified that you were married to Dr. Eisler in 1919, did you not? A. I believe so, yes.

Q. What month and day was it? A. I would not remember it.

Q. Well, there are two other dates that appeared in these records that you were married to him; one was 1920 and one was 1921. A. Well, as you read yourself, Mr. Cross—

Q. No. I have not finished my question. A. Oh, excuse me. Sorry.

Q. Which do you say to his Honor and to this jury was the date you were married to Dr. Eisler? A. I would [1699] say the date you stated. I think it was 1920, wasn't it? But then I knew Mr. Eisler long before.

Q. When you testified in direct that you were married to Dr. Eisler in 1919— A. Yes.

Q. And you cannot give us the month or the day?

A. No.

Q. But in the papers that I have read there are two other dates that you have given on various occasions when you say you were married to him; one was 1920 and the other 1921. I simply want to know which is the date that you now say to his Honor and the jury you were married to Dr. Eisler? A. I am very sorry I cannot answer any better, Mr. Cross. It might be 1920; it might be 1921. It is difficult for me to remember.

Q. In what country were you married? A. In Vienna, Austria.

Q. And you cannot remember the month or the year within three years? A. Well, yes, I remember the time of the season. I know that it was summer. I would think it was 1920 but I am not certain, Mr. Cross. As you read I

wanted to forget this marriage. It is not a marriage I am very happy about.

Q. I am just asking about your memory as to when it was.

A. I understand.

Q. When were you divorced from Dr. Eisler? A. As it said [1699a] in this statement I believe I was divorced 1924 or '5. I don't know that either because Mr. Gumperz arranged for the divorce.

[1700] Q. Well, don't you remember when it was that you were informed you were divorced from Dr. Eisler?

A. Well, I think it might have been 1925, it might have been 1924. I mean, it was not significant to me.

Q. And in your statement that you made in 1927—

MR. MURPHY: No, that is 1942.

MR. CROSS: No, this refers to the record that can't now be found.

Q. There is this statement in this record, that is the record in the proceeding of your application for citizenship, filed in Westchester County in New York, in September 1927; it appears that you stated that you divorced your first husband in June 1926 in Vienna, Austria. Now—A. Well, that might be it.

Q. Well, was it? A. I suppose that is it.

Q. In another paper you said that you were divorced in 1925. "When and where were you divorced? A."—and this is your answer in September 1942—"When and where were you divorced? A. I was divorced in 1925, in Berlin, Schoeneberg." A. Uh huh.

Q. Now, where were you divorced and in what year?

A. Well, Mr. Cross, you have established by now that I don't remember the divorce or the marriage because it was not significant to me. I admit that.

Q. You can't give either the date or the place [1701] of marriage, I mean of the divorce? A. Well, it was Berlin, it was Germany; it was Berlin, Schoeneberg.

Q. In 1927 you said it was in Vienna, 1926. A. Well, as I said before, I don't remember where it was be-

cause I was not present. Mr. Gumperz had arranged for it. It was a mere technicality that I did not partake of, and therefore I don't remember it.

Q. And he financed it? A. Yes, surely.

Q. And you said he organized it. What do you mean by the word "organized"? A. Well, he went to a lawyer.

Q. I beg your pardon? A. He hired a lawyer. I call that organization. He hired a lawyer and he had me divorced.

Q. And, then, in your direct testimony you said that you were married to Dr. Eisler in 1919 and, then, you were legally married to him for three years, is that right? A. Yes.

Q. And that would put your divorce in 1922?

A. Yes, but it is not correct.

Q. It is not correct? A. No. As I say, I don't remember the date of marriage and the date of divorce.

Q. You testified in direct that you were affiliated with the Communist Party in Germany beginning about 1919.

A. I don't think that I would have said that. I said that since I was Gerhard Eisler's friend and later on his wife I had very close connections with the Communist [1702] Party because Gerhard Eisler already then was a leading Party member.

Q. Well, didn't you say that you were affiliated beginning about 1919? A. Well, you would have to determine what the term affiliated means, Mr. Cross, yes. You might have asked me whether I was affiliated and I might have said yes.

Q. Well— A. I don't quite know what affiliated really stands for.

Q. Well, this was a question that you answered on direct, and you said that you were affiliated from about 1919 on with the Party. A. Well, yes, we can let that fine—if it pleases you, I was affiliated.

Q. That continued down until what time, that affiliation? A. Well, what do you mean exactly? The affiliation or my concrete work for the apparatus?

Q. I mean your affiliation with the Communist Party that started about 1919. How long did that continue?

A. It continued in various forms until I broke with the Russians in 1937.

Q. So that we can take it that you were affiliated with the Communist Party from about 1919 until about 1937 in varying degrees. A. Yes.

Q. And during the time prior to coming over to this country in August 1926, just what were your activities in [1703] the Communist Party in Europe? A. They were non-existent at all. If you give me a chance I shall tell you exactly that Gerhard Eisler did not permit me to join the Communist Party because he thought I was not educated enough and worthy of joining the Communist Party. At that time I was very upset about it, I will admit; I am very glad that it happened that way. When I later on married Julian Gumperz, who was a publisher in Germany, who owned quite a large publishing firm called the Malik Falage, he opened a book shop for me. And though he was a Party member at the time, Mr. Gumperz was a Party member at the time, he too saw that I should not be officially a Party member because I was the manager, the director of this book shop, which was a front book shop, which was not really belonging to the Communist Party; it made propaganda for Communist literature. And since we had all books published in Germany at the time he thought, you know, to not have it directly a Communist bookshop but just a bookshop. So I was again not a Party member.

Q. Now have you told us all of your activities with the Communist Party or in the Communist activities from 1919 until you came to this country in August— A. No.

Q. —1926? A. Yes, to August, yes, to 1926, yes.

[1704] Q. Then when you came over here in 1926 you continued this affiliation with the Communist Party?

A. I had no affiliation in 1926 whatsoever. While I was in this country I knew American—I met American Communists. That was natural because we had published in Germany American Communist or near Communist literature. We translated it and published it. For example,

we were the distributors of Upton Sinclair in Germany—"we" meaning the Malik Falage. I met many Communists but I was not a member of either the German or the American Communist Party, and I would say "affiliation" could only be used in this term, that I knew Communists personally and I was interested in Communist politik. I took no part.

Q. Now, you had been affiliated up until you came here in August of 1926 with the Communist Party?

A. In the way I have described.

Q. Yes. And you have already said that in varying degrees you continued your affiliation until about 1937?

A. Yes.

Q. I show you Defendant's Exhibit HHH. This is a photostatic copy of your petition for citizenship which you filed about September 1927, is it not?

A. Yes.

Q. And in this you swore that the statements [1705] contained in it were true? A. Yes.

Q. One of the statements contained in this petition that you swore to was: "I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government."

You knew that that was in the petition and one of the things that you swore to? A. I believed in it.

Q. I say—my question was, you knew that was in the petition and one of the things that you swore to?

A. Yes.

Q. You knew at that time that the Communist Party that you had been affiliated with was opposed to organized government, did you not? A. Mr. Cross, I told you—

Q. No, please— A. —that "affiliation" has to be defined.

Q. No, please. A. I told you. You asked me before whether I believed in the overthrow of the American Government, and I said no.

MR. CROSS: You did not get my question, I am afraid.

Will you read it, Mr. Reporter.

(Question read as follows: "Q. You knew at that time that the Communist Party that you had been affiliated with was opposed to organized government, did you not?")

[1706] A. Yes.

Q. Now, after you were naturalized in 1927 you returned to Europe, I think you said, in 1928? A. That is right.

Q. And did not return to the United States until about 1933? A. That is right.

Q. Where were you during the five-year period from 1928 until 1933? A. My husband Julian Gumperz at the time was professor at the University of Frankfurt-am-Main, and I joined him when I left America. I had worked here as a social worker with defective children. I stayed with him in Frankfurt-am-Main for about a half year. I then went to Berlin where I took—studied psychology. I stayed in Berlin until 1929. I went to Moscow the first time in 1929 for a visit, and I came back to Berlin and made an exam, and I went again to Moscow in the beginning of 1930, and I stayed in Moscow and was a teacher in Moscow, a teacher of German, until 1931. I came back in 1931 to Berlin.

I had two American boys with me that I had brought from Moscow that stayed with me in my house. I again worked on psychology with defective children until the beginning of 1933, the early beginning of 1933.

When Hitler came to power I sent the two boys who were Jewish out of the country, and I joined them [1707] later on in Czechoslovakia. I liquidated my household; I was very much concerned with the fight against fascism, as everybody in Germany at the time; I brought the two boys back to Moscow; I went back to Paris. I heard that Paul Massing, who, at the time, was not my husband but with whom I had lived together, was in concentration camp. I went to Berlin to see whether I could help him, and I was there for about ten days. I could not help him very much, but I went to his family to inform them about the arrest of Paul Massing.

I then went back to Paris, and from Paris I came to America, and this was in, I believe, September or October—September of 1933.

Q. And during that time you were affiliated with the Communist Party?

A. I was much closer affiliated with the Communist Party than I had ever been before in the years from 1931 when I came back from Moscow to 1933. I was not a Party member, though, but I was much closer affiliated.

[1708] Q. When you came back to this country how long did you stay? A. In 1933?

Q. Yes. A. I stayed but a few months. I went to Paris in January of 1934 because Mr. Massing had been released in December and I went to meet him.

Q. I asked you how long you stayed? A. A few months.

Q. That is, you went abroad again in January of 1934?

A. That is right.

Q. And then how many times from 1934—I think you said about ten? A. Yes.

Q. I wanted to know over what period— A. January 1934 to—

Q. —until what date? A. August 1937.

Q. Just tell me, without going into the matter of activities, where you went on your second trip abroad and how long you were gone? A. You mean the trip that started in January 1934?

Q. No. You told us about that. You were gone how long? A. Just a few days. I met Mr. Massing and we stayed in Paris about two weeks and then we came back together and he got an immigration visa—no, he did not. Excuse me. He got a visitor's visa.

Q. The second time you went where, and how long were you abroad? A. Now, of all the times from now on that I went to Europe I could not give you any dates. These [1709] were courier's trips.

Q. Please. Just follow my question if you will.

Q. (Read.) A. The second time you call the time after the January trip?

Q. Yes. A. I don't remember.

Q. Where did you go? A. To Paris.

Q. And you can't tell even the year it was?

A. Oh yes. I can tell you the year. I suppose it was the same year, 1934.

Q. How long were you gone? A. About two weeks.

Q. The third time? If I ask you each one of the ten times could you tell us when it was? A. It would make it much easier, Mr. Cross; I can tell you what the trips were for and how long they lasted.

Q. No. I would much rather have my questions answered, if you please. If I asked about the third or fourth or fifth time and on down through the tenth, the dates and how long you were gone and where you went in each case—

A. I could not tell you the date. I can tell you how long I was gone and I can tell you where I went and what I did.

Q. Let us say the fourth one, just where you went.

A. I went to Paris.

Q. Were all the ten trips you took during this period to Paris? A. Yes.

[1710] Q. Covering the period down to August of 1937?

A. Yes.

Q. And the period of stay would be about how long?

A. Between ten days and two weeks, except for one period which I believe was in 1936 where I stayed for several months because Mr. Massing was there.

Q. I just asked you the time. A. Yes. Several months in 1936.

Q. Now when you give us the time you mean the time of your stay abroad? A. Yes.

Q. Not including the travel time? A. No.

Q. Now you obtained, according to an exhibit put in this morning, a passport dated August 15, 1934? A. Yes.

Q. And then there was another passport issued to you in the name of Hedwig Massing and that was issued to you, the one in 1934, in the name of Hedwig Gumperz? A. Gumperz.

Q. And the one in 1939 was issued in the name of Hedwig Massing? A. Right.

Q. Now do you have the cancelled passport that was issued to you August 15, 1934? A. No.

Q. What was done with that? A. I believe that if you—

Q. No. Just what did you do with it? A. I gave it to the Passport Department when I got a new one.

Q. When the new passport was issued you surrendered the old passport? A. Yes. I guess that is customary.

[1711] Q. And the visas would indicate the dates of the trips?

A. Yes.

Q. And where you went? A. Yes.

Q. Now since 1939 have you been abroad? A. No. I have not been abroad in 1939 either, Mr. Cross. The last time I was abroad was 1938 and that was when I came back from Russia. I have never gone abroad since.

Q. Now, you were married, according to some statement here, I think in Paris— A. Right.

Q. —in October of 1936? A. '36.

Q. How long had you been in Europe prior to that date?

A. A few months, I believe.

Q. And then would you think you went either the middle of 1936 or early 1936? A. I would think that I went there the middle of 1936, yes.

Q. And you were out of the country from about the middle of 1936 until when? A. Until I married, until October 20—I think I took a boat on October 27 to come back to America the day after I had married Mr. Massing.

Q. How long did you remain here on that occasion?

A. I believe, I am not certain, Mr. Cross, that I then stayed until I went to Russia, but I am not certain.

Q. Well, that does not help me unless you can tell me when you went to Russia. A. Yes, I will gladly tell you when I went to Russia—the end of October 1937.

[1712] Q. October 1937? A. Yes.

Q. Did your husband, Mr. Massing, go with you?

A. Yes.

Q. And how long did you remain in Russia with Mr. Massing? A. Eight months too long.

Q. No— A. Eight months.

Q. I just asked you how long. A. Eight months.

Q. You had been to Russia before this trip how many times? A. Three times. I had lived in Russia about two years and I had made two trips besides the period that I had lived steadily there.

Q. And so from about October 1936 until about May of 1937, or the middle of 1937, you and your husband were in Russia? A. No. You said 1936. I mean 1937. From October 1937 to about May 1938 we were in Russia.

Q. I was mistaken about the year. It was October 1937 that you stayed eight months and that would make it about the middle of 1938? A. That is right.

Q. And was that trip paid for by the International Agrarian Institute? A. I think so.

Q. Your entire stay over in Moscow? A. Well, probably part of the stay. You see, my husband was a guest officially of the institute, but he also had quite some money there because his book "Fatherland" had been published in one or two million editions and we had a lot of rubles there.

[1713] Q. I just wanted to find out if the entire expenses were paid for the eight months and you think they were not?

A. I would not know, no. It is my husband who takes care of finances.

Q. During this time your husband was a Communist?

A. No. He was, as a matter of fact, fiercely anti-Communist. One of the reasons why we went there.

Q. Went to Russia because of his anti-Communism?

A. Yes.

Q. Were you during this period a paid functionary of the Communist Party? A. No.

Q. At any time? A. No.

Q. These trips to Paris, were they paid by the Communist Party? A. They were paid by the Russians. You see—

Q. No. Were they paid, to your knowledge, by the Communist Party? A. No, by the Russians; not by the Communist Party.

Q. On December 9th, and you may not be able to identify the date, but sometime last December in some room in this court building Mr. Hiss came in where you were located with some representative of the FBI. is that true? A. I think so.

Q. How long was he in the room where you were at that time? A. Mr. Cross, is that the meeting where I did not speak to Mr. Hiss—where he looked at me?

Q. The first meeting. A. Oh, I think just a minute, [1714] not quite a minute I would say—two minutes.

Q. But you were already in the room? A. Yes.

Q. And you were there with some representative of the FBI? A. There was, yes, an FBI officer sitting at his desk.

Q. And then Mr. Hiss came in with some representative of the FBI? A. I don't remember with whom he came in. Yes, as a matter of fact, I seem to remember it was Mr. Kelly he came in with.

Q. Mr. Kelly here at the counsel table? A. Yes.

Q. Neither you nor Mr. Hiss spoke on that occasion?

A. No.

Q. Would it accord with your memory that that was December 9th or do you have any way of fixing the date?

A. No, I have no way of fixing dates. Sorry.

Q. Before proceeding with the next meeting I want to ask a few questions about what I asked about on Friday afternoon— A. Yes.

Q. When I asked you if you were writing a book you said that you were not but you intended to write one, is that it? A. Well, I probably said—yes, I really intend to write one if I find that I can write, which I don't know, after this trial is finished.

Q. Now are you writing—are you now writing or preparing some articles? A. I am not writing and I am not preparing, [1715] but I had a discussion with Mr. Gene Lyons about possibly writing articles. It is—

Q. And that discussion you had with him some months ago? A. Oh yes. It is possible that he is preparing articles because he will be the writer, he will write the articles.

Q. The ghost writer? A. Yes.

Q. Now, just to make sure, before we leave it, about persons present at Mr. Eugene Lyons' apartment in September, do you now recall the various people who were there?

A. At this meeting?

Q. Yes. A. I am very glad that you bring it up, Mr. Cross, because I thought about it over the weekend, and of course I remember that meeting very well.

Q. Will you tell us— A. I don't remember the name, I don't know, I never heard the name of the man you mentioned and that is why I couldn't place it. He might have been introduced to me, but I didn't remember his name.

Q. Tell us who were there that you remember. A. Well, there was Mr. and Mrs. Chamberlain.

Q. The first name was what? A. William Chamberlain. There was Miss Irene Kuhn who I met for the first time—

THE REPORTER: How do you spell that?

THE WITNESS: I don't know exactly; K-u-h-n; I don't know. Irene.

[1716] A. (Continuing) There was Freda Utley, who I had met a long time ago. There was this gentleman whose name, it is Frederick something, that I don't know the second name, I don't know about. Let me see. There were some other people it seems to me but I don't quite remember how many. It was a big party.

Q. Was Mr. Fred Woltman— A. No, he was not there. That I know, he was not there. That I would remember, because I would like to meet him.

Q. Mr. and Mrs. Lyons? A. Mr. and Mrs. Lyons, sure, yes. They were the hosts.

Q. There was some gentleman whose name you don't remember? A. Yes, but I remember the gentleman very well.

Q. Now would it help you if I suggested perhaps he might have been called Rickey by some of his friends? A. No, it wouldn't help. I don't remember any Rickey, though it would be a good name for him. I didn't hear the name, no.

Q. You thought that you remembered Frederick? A. Well, you said Frederick, you said the other day, "Do you remember Frederick?" And then you couldn't pronounce the name. And I didn't hear it, and I don't know it even if you can pronounce it today.

Q. Well, the name I used was Henrikas. A. Henrikas. Well, there you are.

Q. Now, there was a meeting a day or two afterwards, [1717] going back now to the meeting in the building where neither you nor Mr. Hiss— A. Well, Mr. Cross, you don't want me to talk about the meeting at the Lyons? I should love to tell you about Mr. Henrikas, whatever he was, and the conversation we had.

Q. Well, I asked you the other day if certain things were said and you gave your answers, and I just wanted to find out who was present. A. Yes. Of course the statements the man made are not true. I mean, I never would say a thing like that.

Q. Was there some talk at the time about your doing some writing or Mr. Lyons doing some writing for you?

A. No, it was Freda Utley who came to me after we had discussed the Soviet Union, the discussion mainly was about the Soviet Union, and the gentleman you are referring to was very pro-Soviet, and I happened not to like that, it was rather critical of our Government, which I didn't like either, and then Freda Utley came and said, "You must write", and that is as far as I remember writing, "You must write".

Q. But you had had some talk with Mr. Lyons about—

A. Before that.

Q. —writing some articles for you long before this?

A. Oh yes.

[1718] Q. Now, the next day when you saw Mr. Hiss after this first meeting when neither of you spoke, as I recall you said that there was some representative or representatives of the FBI, yourself, Mr. Hiss, and Mr. McLean.

A. Yes.

Q. And Mr. McLean is my associate here at the table?

A. Yes. He looks very different. Mr. McLean looked very much older the day I saw him.

Q. At that time when you spoke to Mr. Hiss and he spoke to you, Mr. McLean said something to you, didn't he?

A. Yes, at the very end of the conversation.

Q. At that time was this said by you, that "I"—you were speaking to Mr. Hiss—in substance this is—"I was Hede Massing", and he might have known you under the name of Hedwig Gumperz, or known you simply as Hede, and you had met him at Noel Field's house, and the purpose of the meeting was to discuss with him the possibility of your soliciting Noel Field into your apparatus. A. Yes.

Q. And then you told him something about who you were?

A. Yes.

Q. And that you had asked to speak to him? A. Yes.

Q. And Mr. Hiss stated that he did not remember you?

A. Yes.

Q. He said "I have never seen you", or that in [1719] substance? A. Yes.

Q. And when he was brought in the day before and looked at you, there was no sign whatever of any recognition, was there? A. No.

Q. Did Mr. Hiss then say after you had told him who you were, "Perhaps if you will tell me where we met it might help me to remember"? A. I don't know whether he said that; I wouldn't remember. He possibly did, yes.

Q. And then you told him, "I met you at a dinner party at the Noel Fields once"? A. Yes.

Q. And until you saw Mr. Hiss in December of 1948 this is the only time, as I understand your testimony that you ever saw Mr. Hiss? A. Yes. But as I told him, if I may say, I followed his career very well. I mean, I have seen pictures of him in the paper and I knew exactly who he was.

Q. Now, do you remember being asked on direct whether or not you had followed Mr. Hiss's career in the papers and you said that you did not? A. No, I don't remember that.

Q. On page 1676, on direct:

"Q. And did you ever see Mr. Hiss after that? A. I did not, never.

"Q. Did you follow his career in the papers? A. I never did."

[1720] Were you ever asked that question and did you give that answer? A. I don't recall it and I don't understand it, because I have told Mr. Hiss in a conversation that I followed his career very carefully and proudly, because I was so sure that he had broken his affiliations and I was so happy about that.

Q. My question was whether or not you were asked that question and gave that answer? A. I don't recall having been asked this question.

Q. Now, at that time, going back to this meeting when Mr. Hiss, Mr. McLean and yourself and representatives of the FBI were present, you said that you took Mr. Hiss aside in another room and that you spoke of Noel Field admiring Mr. Hiss, and that he was interested in Socialism, and that you had tried to enlist his interest in world socialism; that he had told you that Mr. Hiss was his closest friend; did you say that? A. Did I say that when?

Q. When you were talking to Mr. Hiss, Mr. McLean in December of last year. A. Well, I think so. I do not remember the words exactly, but I would think that is the gist.

Q. The substance? A. Yes, the substance.

Q. And that Mr. Field admired Mr. Hiss very much? A. Yes.

[1721] Q. And that they had the same political ideas?

A. Yes.

Q. And that it was because of Mr. Hiss that Mr. Noel Field had become a Socialist? A. I did not get the question, sir.

Q. That it was because of Mr. Hiss that Mr. Field had become a Socialist. A. Well, I don't know whether I said it just that way, but it is a fact that Noel Field had told me that he was very much under the influence of Mr. Hiss whom he admired greatly.

Q. And you said that you wanted Noel Field to work with you in the political work that you were then doing?

A. Yes.

Q. And that Noel Field had told you that he would prefer to work with Mr. Hiss, his kind of work, and that you had told this to Mr. Hiss and asked him if he would give him up, and Mr. Hiss said that he did not care whether Mr. Noel Field worked with him or with you?

A. Yes.

Q. Now, did you say at that time that you had never told this story to anyone until a couple of days before this day? A. I don't get the question.

Q. Did you say at that meeting that you had never told anyone about this meeting until a few days before the meeting in December 1948? A. Well, yes. I had told the [1722] FBI not as detailed, but I had told this story to the FBI.

Q. Didn't you say to Mr. Hiss and Mr. McLean at that time that you had not told this story to anyone until just a few days before? A. Yes, I probably did.

Q. And that was a fact? A. Probably.

Q. And you told him that the date of this meeting was either 1934 or 1935? A. Did I say that? I think, though, that it was 1935.

Q. Well, my question is, did you tell them that it was either in 1934 or 1935? A. I probably did.

Q. Did Mr. Hiss say that he had no recollection whatever of any such conversation remotely resembling what

you had described? A. He did not say very much but in the gist he said that, probably.

Q. And did you then turn to the FBI man and say, "Shall I go on?"? A. Yes, I probably did; but I want to explain here that the FBI man is almost a friend of mine, and I was in desperation that I had not succeeded to convince Mr. Hiss, and I was sort of fluttering and said, "What shall I do now? Shall I give it up?" This was the meaning of my question.

Q. You in substance said to the FBI "Shall I continue?"?

A. Yes.

Q. Now, at that time did Mr. McLean speak to you [1723] toward the end of the conversation? A. I think so.

Q. Did he say to you, "Was the matter of apparatus or the word 'apparatus' used in connection with this discussion?"? A. Did Mr. McLean say this to me?

Q. Yes. A. I don't recall that but it is possible that he said it, yes.

Q. And you said that the word "apparatus" was not used in the discussion? A. I didn't get the question, I am awfully sorry.

Q. Did you tell Mr. McLean or Mr. Hiss in this talk that the word "apparatus" was not used in this discussion?

A. Well, I must have used the word "apparatus" in this discussion because that is what I was referring to.

Q. I say, did you tell Mr. McLean in answer to his question that that word was not used? A. I don't recall that.

Q. Now, in your telling of what took place when Mr. Hiss and Mr. McLean were there, you did not say anything about that you were a woman and you would win out, did you? A. Oh, I am sure I must have said that.

Q. That is, you used the words that you were a woman and you were sure that you would win out in the talk with Mr. Hiss and Mr. McLean? A. Well, it seems to me that I must have used that because it is a very significant sentence in the conversation.

[1724] Q. Well, I asked for your memory if you have any. Did you say that? A. I wouldn't know.

Q. Did you say at that time that "We are both working for the same boss"? A. Yes.

Q. You said that to Mr. Hiss and Mr. McLean?

A. Yes.

Q. You are sure of that? A. I am pretty sure of it.

Q. Now, will you tell us how many rooms were in the Field apartment? A. There was a living room as you entered. When you came up—the kitchen is below the apartment. There were a few steps down to the kitchen. I remember this as a very quaint arrangement in this old house. There is a living room as you enter; there was a room off to the right, and, as far as I remember, there was another room, a little room off to the very right off the hall, and I sort of remember that there were two closets that Hertha Field used that belonged to her apartment.

Q. And you had been to the Fields on occasions when Mr. Hiss wasn't there? A. Well, Mr. Hiss was there once.

Q. I mean, you had been there at other times?

A. Oh yes, oh yes, I have lived there.

Q. Now, at the time you had this talk, was that in the presence of Mr. and Mrs. Field? A. They were [1725] in the apartment. The conversation was not in their presence. Such a conversation would not be held in the presence of anybody else.

Q. I say, in their presence? A. They were in the apartment, yes.

Q. Do you know where the Fields are now?

A. Yes, they have disappeared, Mr. Cross, behind the iron curtain.

Q. And that was news that had been public information for some several months, two or three months, anyway?

A. Yes, I am afraid so.

Q. I think it has appeared that Mr. Field went to Europe about 1936—

MR. MURPHY: I don't think there is any testimony as to where Mr. Field went.

MR. CROSS: Well, I may be wrong, it is pretty hard to recall.

Q. Well, he had been abroad for a number of years? A. Oh, yes, he has been abroad for a long time. He was back in this country, though, several times.

Q. Now, at that conclusion of that talk when Mr. McLean was present and Mr. Hiss after the discussion that we have reviewed here, Mr. Hiss said that he had no memory whatsoever of any such meeting? A. That is right.

MR. CROSS: That is all.

[1726] *Redirect Examination by Mr. Murphy:*

Q. I think I might ask you, Mrs. Massing, just one or two questions: Would you want to tell us the reason you and your husband went to Russia in October 1937?

A. Yes, I want to tell you the reason. My superior, a friend, Ignatz Reiss, who had introduced me to the apparatus and the work I did in this country, and who had briefed me before I came here to do, as he called it, anti-fascist work from the outside, and to find men like Mr. Field, and who was a very noble and fine man, had detached himself from the Russians and had written a letter to Stalin, and had been in turn shot by the Russians on the French-Swiss border.

Now, this was a man I greatly believed in and who had influenced my thinking, and who had also notified me that he would leave the Russians, who had been critical of the Russians for several years but still kept on working because this is the dilemma one is in if one is a revolutionary—when this man was killed it was quite clear to me that I am breaking with the Russians too, and said so to my husband.

Well, he thought it would not be as easy as all that, and he was right, and we were visited by a special agent. I did not know where this woman—I knew her under the name of Helen—came from, but she [1727] saw us very,

very frequently, and she said that she—she implied with very subtle ways that it would be better for me to go to Russia, since I was in the service; and I said that I just wanted to break and I could do it here.

Well, the implication was that I might find the same fate that Mr. Reiss had found. Not that I was specifically afraid of it, but my husband Paul thought that it would be quite a good thing to go to Russia and see things and judge for yourself. He did not really believe that people were killed by the hundreds as rumors had it, and that many of his German friends had been killed, and he thought that he would want to go, and he had this invitation from the Agrarian Institute, and he had the money from his book "Fatherland", and he thought that he would want to go. I, on the other hand, realized that if he would go alone he would be kept a hostage, probably, and so I decided to go with him, and we went.

Q. And you went with your American passport, did you? A. Yes.

Q. Was your passport or exit visa taken away from you when you were there? A. No, it wasn't taken away right away because I had insisted on going with Intourist, which is the travel agency, and I stayed in the Metropole Hotel, and it wasn't taken away right away. I kept it for some time.

[1728] Q. Did you have any difficulty getting it back?

A. Yes indeed, I had great difficulty in getting it back.

Q. And who was present in Russia the day that you got it back? A. It was Hertha and Noel Field, Hertha and Noel Field by then having been brought into the apparatus by me.

MR. CROSS: Now, if your Honor please, this is something that I certainly did not open up in questioning—

Q. They were present when you got your visa back?

A. Yes, they had been in Moscow.

MR. CROSS: Please.

THE COURT: Is there any question, Mr. Cross, that you are objecting to?

MR. CROSS: I object, your Honor, to this line of examination. It is certainly nothing that I inquired about. It is utterly immaterial here.

THE COURT: Wait until you see what the next question is.

Q. You did get your visa? A. I got my passport, and I believe that the Fields were indirectly helpful to have me get it.

Q. And this news about the Fields being missing, was that news in existence last December?

A. No.

Q. So that when you told the FBI the story that you [1729] told here, there was no news about the Fields?

A. Oh no.

Q. The news that Mr. Cross talks about is the news that is current for the last two or three months?

A. Very recent, yes.

Q. And at the time you told the FBI your story you also testified before the grand jury— A. Yes.

Q. —in this building? A. Yes, to this specific situation. I told the FBI my story a long time ago, Mr. Murphy.

MR. MURPHY: You may examine.

Thank you.

MR. CROSS: No further questions.

THE COURT: Is the next witness a long one?

MR. MURPHY: It is a technical witness, Judge. Perhaps it would be a good idea to recess, Judge. It will be my last witness.

(Short recess.)

[1730] FREDERICK E. WEBB, called as a witness on behalf of the Government, being duly sworn, testified as follows:

Direct Examination by Mr. Murphy:

Q. Mr. Webb, you are a special agent of the FBI, are you not? A. Yes, sir.

Q. And how long have you been with the Bureau?

A. Approximately seven and one-half years.

Q. And to what section of the Bureau have you been assigned and for how long? A. I have been assigned all of that time to the FBI laboratory in the Documents Section.

Q. Now, prior to coming to the Bureau what was your education and experience? A. I have a Bachelor of Science and Bachelor of Arts degrees from Central Missouri State College at Warrensburg, Missouri, and also a Master of Arts degree from the University of Missouri, Columbia, Missouri, and I taught school for a time in Roswell, New Mexico, and Tulsa, Oklahoma.

Q. And since you have been in the Bureau examining documents, how many documents have you examined? A. Several thousand. I would not like to estimate the number. It would run into several thousand.

Q. And during that period of time have you been kept abreast of the investigation in the cases that were involved or has your work been simply through the examining of [1731] documents? A. My work has consisted simply in the examination of documents.

Q. Now, have you made an examination of the microfilms in this case which we know as Government's Exhibits 11 and 12?

A. Yes, sir, I have.

Q. And have you made tests through a camera that is marked in evidence here, a Leica camera? A. Yes, sir, I made some tests.

Q. The purpose of the examination and the tests was what, Mr. Webb? A. To determine whether or not the camera made the film; that is, was used to expose the two rolls of film.

Q. In other words, the camera which has been marked in evidence here as Government's Exhibit 51, a Leica camera, is that the camera you made the tests with? A. Yes, sir. That is the camera.

Q. And you made the test in order to determine whether Exhibits 11 and 12, the microfilm, came from that camera?

A. Yes, sir.

Q. And what conclusion did you reach?

MR. CROSS: If your Honor please, it seems to me that this is utterly immaterial; who Chambers got these documents from when they were microfilmed by someone in Baltimore has nothing to do with the defendant, and it seems to me to be utterly irrelevant, just as if it were an [1732] attempt to trace the documents onto somebody else, onto Russia. Who gave them to Mr. Chambers and all has nothing to do with the present case. There is nothing in evidence whatever that Mr. Hiss ever knew anything about who microfilmed the documents, the individual Inslerman, and the process and so on and it is just going far beyond anything we are trying in the case, and it seems to me to be irrelevant and for that reason I object to it.

MR. MURPHY: I submit it is quite relevant. The testimony of Mr. Chambers was, in part, that the documents he received from Mr. Hiss he had photographed by Inslerman and in order to corroborate that detail in Mr. Chambers' story, that is the purpose of this proof here now. It seems to me that if Mr. Chambers says that the documents he received from Hiss were only photographed by Inslerman it tends to corroborate it to the nth degree and in that way it is relevant.

MR. CROSS: That is certainly an immaterial point, if your Honor please, because the indictment has nothing to do with microfilming or in what processes were used, so we think it is irrelevant.

THE COURT: I should think it is relevant. The objection is overruled.

Q. Mr. Webb, will you tell us then, please, what your conclusion was as a result of those tests? A. I concluded [1733] that the two rolls of microfilm, 11 and 12, I believe were exposed in this Lecia camera which has serial No. 234730 and is Government's Exhibit 51.

Q. Now will you tell the jury, please, what steps you took to arrive at that conclusion? A. Yes, sir. The camera has in it a metal frame. You can remove the lens (demonstrating).

THE COURT: Do you think the jury could see it better if you step down before them?

THE WITNESS: Yes, sir, they could.

THE COURT: Mr. Cross, I suggest the witness step a little nearer to the jurors. Perhaps you would like to move over so you can see it.

MR. CROSS: Thank you, your Honor. I don't care to.

THE WITNESS: (Continuing) Removing the lens and opening the shutter—you see, within the camera I place a piece of white cardboard here (indicating), where the film ordinarily would be in the camera—there is a metal frame enclosing a rectangular enclosure which is the portion of the film that is exposed at the time the film would be in the position there (indicating).

The metal frame would be something on the order of this black piece of cardboard with the rectangular winddow, and the portion of the frame or the film that [1734] would be exposed would be only that portion which is exposed through the window here (indicating). At the time the film is exposed there would also be a picture made of the line along the edges of the frame, the metal frame, which would reproduce on the film a silhouette picture of any irregularities which occur along the edges of this metal frame. Those irregularities, although microscopic, would exist on each succeeding exposure of the film. The irregularities would be the same as, or similar to the irregularities existing on a bullet after it had been fired from a gun. It would carry markings reproduced on the bullet by the particular gun in which it was fired in the same way the film in the camera would carry markings reproduced on that film as a result of having been exposed in a particular camera.

I made a study of the metal frame, the edges of the metal frame, under a microscope, and also exposed film in the camera so as to study the markings that were reproduced on the film at the time the camera was received.

I have photomicrographs of certain portions of the frame, the metal frame of the camera, and some of the exposures. I have some additional—

Q. Are they copies of what you have? A. Yes, sir.

Q. Just let me find out what you have here. What are those different photographs of? A. These are photographs [1735] of one corner of the metal frame within the camera made through a microscope, and three photographs made from three of the exposures from the microfilms, Exhibits 11 and 12.

Q. You have laid those on— A. This cardboard in such a manner that they are separated so that the edges can be examined.

Q. In other words, you have taken three of the parts of the frame of the exhibit already in evidence?

A. Yes, sir.

Q. And have laid those alongside of one of your test runs, so to speak? A. Actually this is—this one here (indicating) is an actual photograph made of the frame itself in the camera.

Q. In other words, the bottom one, the larger of the four, is a photograph of the frame? A. Yes, sir.

Q. Then you have laid alongside that three copies of some of the corners from the microfilm already in evidence?

A. Yes, sir. Maybe I could explain better from the chart here (indicating).

Q. Well, that chart (indicating) is frame No. 38 from the microfilm already in evidence marked Government's Exhibits 11 and 12. A. Yes, sir. Around the edge is a test frame exposed in the camera after I received it for examination. So that there is a space between the edge [1736] of that film, which was made slightly larger, and the edge of the frame or the exposure 38 in the microfilm from Exhibits 11 and 12. The photomicrographs here (indicating) are of this corner numbered 1, the upper left-hand corner, and there—the bottom one is a photomicrograph of that corner (indicating) from—made from the camera, and the three on top are photographs made from other frames from the microfilm, enlarged photographs.

Q. All right. Now you have seven extra copies, and the one you are using? A. Yes.

Q. Will you need this? A. No, I won't need that.

Q. Are these copies of what you have marked here (indicating)? A. Yes, sir. This is one of them.

MR. MURPHY: I offer that one in evidence and pass the others out to the jury. Mr. Cross has no objection.

(Marked Government's Exhibit 52.)

[1737] THE WITNESS: In the photomicrograph the edge of that corner of the frame is shown, and the corner has an irregularity consisting of a hump when examined under a microscope, and a depression here which, when the film was exposed under it, was reproduced in the form of a projection here, and then an indentation at that point.

So that the film, the frame from the microfilm carries with it a reproduction of the line of this particular corner, and the corner was not at all a regular, smooth curve, but had a hump in it consisting of either an imperfection in the —that is, a speck of paint there, or perhaps the metal was left at that point when the frame was manufactured.

The frame in the camera, this metal frame, is actually painted black in order to absorb the light. And so it can be either the paint on the frame at that point or actually the metal there.

At this point here—and it is also indicated on the exhibits in your hand—there is a hump on the metal frame, it is just below the number 1 corner, and that is reproduced on the frame from the microfilm as an indentation. So that if you put those photographs together they would fit exactly at that point just as a jigsaw puzzle fit together.

On the chart here there are photomicrographs of [1738] the other corners which show this corner is different from this one. It is more of a smooth curve, but the microfilm, Exhibts 11 and 12, each of the frames also had at that corner a smooth curve and was curved in exactly the same manner, smoothly curved round at this point and then continuing into the straight line of the frame.

The other corner that was found in the microfilm is numbered here No. 4, and it is curved slightly at both sides

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